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Washington, Tuesday, May 20, 1952

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952 crop of winter cover crop seeds named in § 601.1960 hereof. The 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.
601.1951 Purpose.
601.1952 Availability of price support.
601.1953 Eligible seed.
601.1954 Warehouse receipts.
601.1955 Determination of quantity.
601.1956 Determination of quality.
601.1957 Loss or damage to seed under farm-storage loan.
601.1958 Warehouse and other charges.
601.1959 Maturity of loans.
601.1960 Schedule of basic specifications and rates.
601.1961 County rates.
601.1962 Delivery of seed to CCC.
601.1963 Settlement.

AUTHORITY: §§ 601.1951 to 601.1963 issued under sec. 4, Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 601.1951 *Purpose.* This subpart states additional specific requirements which, together with those contained in the 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521, apply to loans and purchase agreements under the 1952-Crop Winter Cover Crop Seed Price Support Program.

§ 601.1952 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements for all seeds listed in § 601.1960.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.1960 are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that such seeds cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through December 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.1960 in 1952 as landowner, landlord, tenant or sharecropper.

(2) Cooperative marketing associations of producers shall be deemed to be eligible producers for loans and purchase agreements: *Provided*, That (i) the producer members are bound by contract to market through the association; (ii) the major part of the seed marketed by the association is produced by members who are eligible producers; (iii) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (iv) the seed purchased from nonmembers is segregated at all times to assure that the seed placed under loan or delivered under a purchase agreement is seed grown by producer members; and (v) the association has the legal right to pledge or mortgage the seed as security for a loan or to sell the seed under a purchase agreement.

§ 601.1953 *Eligible seed.* At the time the seed is placed under loan or delivered

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



## CODIFICATION GUIDE—Con.



under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States in 1952 by an eligible producer and be one of the kinds and varieties named in § 601.1960.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested. In the case of cooperative marketing associations, the beneficial interest in the seed must have been in the producer members who delivered the seed to the association and must always have been in them or in them and former producers whom they succeeded before the seed was harvested.

(c) It must on the basis of official purity analysis reports, and germination test certificates, based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase (and on the basis of official moisture tests where applicable), be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.1960, unless the warehouseman, in the case of seed being offered for loan or delivery under a purchase agreement, certifies that the seed is of a quality eligible for price support, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better than, that shown on the warehouse receipt.

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law, and rules and regulations pursuant thereto, of the State in which the seed is tendered for loan or delivered under a purchase agreement.

(e) The moisture content of blue lupine seed (determined by an official moisture test, except where quality is guaranteed by the warehouseman) shall not exceed 12 percent at the time the seed is placed under loan, and shall not exceed 14 percent at the time of delivery under a loan or purchase agreement.

(f) The seed must be fumigated if necessary.

§ 601.1954 *Warehouse receipts.* Warehouse receipts representing seed placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by a warehouse approved by CCC under the Seed Storage Agreement, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the seed is commingled the warehouseman must guarantee both the quality and the quantity of the seed.

(c) Where the warehouseman guarantees the quality of the seed placed under loan, on either an identity-preserved or commingled basis, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the kind or variety of the seed, the net weight, and the factors used in determining the quality of the seed.

(d) Where the seed is stored on an identity-preserved basis and the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt for the lot of seed stored identity-preserved a copy of the official purity analysis report and germination test certificate, and, where moisture is an eligibility requirement, a copy of the official moisture certificate.

(e) Any warehouse receipt representing seed stored on an identity-preserved basis must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through January 31, 1953, on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

§ 601.1955 *Determination of quantity.* All determinations of the quantity of seed delivered under a warehouse-storage loan or purchase agreement in an approved warehouse under this subpart shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. If the seed is stored on an identity-preserved basis in an approved warehouse, the net weight of seed shown on the warehouse receipt shall be determined on the basis of official weights, or where official weights cannot be obtained, the net weight of the seed shall be determined in a manner approved by the county committee. The quantity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan shall be determined on the basis of official weights or, where official weights cannot be obtained, the net weight of the seed delivered shall be determined in a manner approved by the county committee.

§ 601.1956 *Determination of quality.* All determinations of quality made by the county committee will be made on the basis of official purity, germination, and moisture tests (where required) of a representative sample. An official test shall be a test made by a Federal or State Seed Testing Laboratory, or by a commercial seed testing laboratory approved by the State committee. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for a qualified disinterested person to obtain a representative sample. The sample shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.1957 *Loss or damage of seed under farm-storage loan.* Notwithstanding the provisions of § 601.1515 of the 1952 C. C. C. Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on his part or the part of the person in control of the farm-storage structure.

§ 601.1958 *Warehouse and other charges.* CCC will not pay or assume charges for cleaning, fumigation, drying, bagging, sampling, testing and analysis reports, tagging or other handling or processing operations which are necessary to prepare the seed to meet eligibility requirements for price support; nor will CCC pay or assume storage charges which accrue prior to February 1, 1953, or the date of the warehouse receipt, whichever is later.

§ 601.1959 *Maturity of loans.* Loans mature on demand but not later than January 31, 1953.

§ 601.1960 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule: *Provided,* That, the county rates shown in § 601.1961 shall be used for hairy vetch: *And provided further,* That where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

SCHEDULE OF BASIC RATES AND SPECIFICATIONS FOR 1952 WINTER COVER CROP SEED

| | Hairy vetch [1] | Common vetch [2] | Willamette vetch | Common ryegrass | Blue lupine | Roughpeas (Lathyrus hirsutus) [3] | Crimson clover | Certified reseeding crimson clover [4] |
|---|---|---|---|---|---|---|---|---|
| 1. Basic price per pound | Cents 14.75 | Cents 6.00 | Cents 6.00 | Cents 7.00 | Cents 3.50 | Cents 6.00 | Cents 16.50 | Cents 19.00 |
| 2. Basic price requirements: | Percent | Percent | Percent | Percent | Percent | Percent | Percent | Percent |
| Germination [5] | 90 | 90 | 90 | 90 | 90 | 90 | 85 | 85 |
| Pure seed | 95 | 90 | 90 | 98 | 99 | 98 | 98 | 98 |
| Total winter legumes | 98 | 98 | 98 | [6] | [6] | 98 | [6] | [6] |
| Noxious weeds permitted | [7] | [7] | [7] | [7] | [7] | [7] | [8] None | None |
| Common weed seeds not to exceed | 1 | 1 | 1 | 2 | 1 | 1 | 1 | .5 |
| Other crop seed permitted | [6] | [6] | [6] | [6] | 1 | [6] | 2 | 1.0 |
| Moisture content not to exceed | | | | | [9] 12 | | | |
| 3. Minimum eligibility requirements: | | | | | | | | |
| Germination [5] | 70 | 70 | 70 | 75 | 80 | 75 | 75 | 85 |
| Pure seed | 70 | 70 | 70 | 95 | 96 | 70 | 96 | 98 |
| Total winter legumes | 98 | 98 | 98 | [6] | [6] | 98 | [6] | [6] |
| Noxious weeds permitted | [7] | [7] | [7] | [7] | [7] | [7] | [8] None | None |
| Common weed seed not to exceed | 1 | 1 | 1 | 2 | 1 | 1 | 1 | .5 |
| Other crop seed permitted | [6] | [6] | [6] | [6] | [6] | [6] | 4 | 1.0 |
| Moisture content not to exceed | | | | | [9] 12 | | | |
| 4. Discount per hundredweight applicable for each percent or fraction thereof below the basic price requirements for: | | | | | | | | |
| Germination [5] | $0.20 | $0.09 | $0.09 | $0.10 | $0.05 | $0.08 | $0.20 | [10] |
| Purity | .11 | .018 | 0.18 | .10 | .10 | 0.025 | .25 | [10] |

[1] Price of hairy vetch shall not be discounted due to the presence of woollypod.
[2] Hungarian and purple vetch may qualify as common if at least 80 percent of seed is common vetch.
[3] Roughpeas (Lathyrus hirsutus) commonly called Caley peas, Singletary, or wild winter peas. Hairy vetch seed may qualify as roughpeas provided at least 65 percent of the mixture is roughpeas. The following percentages of the applicable hairy vetch price (including area differentials and discounts for quality below the basic price requirements), will be allowed for hairy vetch seed in the mixture:

| Hairy vetch in mixture (percent): | Percent of applicable support price |
|---|---|
| 5-14, inclusive | 50 |
| 15-24, inclusive | 60 |
| 25-34, inclusive | 70 |

[4] Certified seed of eligible varieties of reseeding crimson clover shall be the seed produced from volunteer stands, which originally were planted with foundation, registered, certified, or approved seed, and which has been sealed and tagged by an official agency of the State authorized to certify to the genetic purity and quality of the seed.
[5] Live seed include hard seed.
[6] No requirements specified for this item. However, the total winter legume requirements where specified and the purity requirements must be met in order for seed to be eligible for price support.
[7] Noxious weed seed shall not exceed the quantity permitted for sale as planting seed by the State seed law or regulations of the State in which the seed is delivered to CCC.
[8] Crimson clover containing not more than 5 wild onion bulblets per pound will be eligible for purchase in Kentucky only at a discount of $1 per 100.
[9] Blue lupine seed with moisture content not in excess of 14 percent may be delivered in satisfaction of loans or on purchase agreements when other eligibility factors are satisfied.
[10] Certified blue tag reseeding crimson clover seed which does not meet the basic requirements for price support but which is equal to or better than the minimum requirements for crimson clover seed will be eligible for crimson clover seed price support.

§ 601.1961 *County rates.* (a) The basic county rates for hairy vetch seed will be as follows:

| | Cents per pound |
|---|---|
| Arkansas, all counties | 15.20 |
| California, all counties | 14.40 |
| Idaho, all counties | 14.40 |
| Oklahoma, all counties | 15.00 |
| Oregon, all counties | 14.40 |
| Texas, all counties | 14.95 |
| Washington, all counties | 14.40 |
| Other States, all counties | 14.75 |

(b) Farm-storage and warehouse-storage loans will be made at the basic county rate for the county in which the hairy vetch seed is stored. Settlement will be made at the time of delivery under a loan or a purchase agreement at the basic county rate for the approved point of delivery. The applicable county rate will be subject to the discounts shown on the Schedule of Basic Rates and Specifications in § 601.1960.

§ 601.1962 *Delivery of seed to CCC—* (a) *Cleaning, fumigation, and bagging.* Seed delivered to CCC by the producer under a loan or purchase agreement must meet the following requirements or must be represented by a warehouse receipt under which the warehouseman guarantees to meet such requirements: The seed must be cleaned, fumigated if necessary, and packaged in new bags of the quality and net capacity described below; or, if new bags are not available, No. 1 used bags of the same quality or better, and of the same net capacity, as those described below may be used, provided they are thoroughly cleaned before being filled, and are free of holes, outside patches, or other defects.

(1) Blue lupine, hairy vetch, Willamette vetch, common vetch, and roughpeas:

| Type | Net capacity (pounds) |
|---|---|
| (i) 3-harness twill: 36-inch 8-ounce or heavier | 100 |
| (ii) Osnaburg which can be probed: | |
| 36-inch 2.35 yard or heavier | 100 |
| 40-inch 2.11 yard or heavier | 100 |
| (iii) Burlap: 10-ounce or heavier | 100 |

(2) Crimson clover:

| Type | Net capacity (pounds) |
|---|---|
| (i) Osnaburg which can be probed (seamless or double seam): | |
| 36-inch 2.35 yard or heavier | 50 and 100 |
| 40-inch 2.11 yard or heavier | 50 and 100 |
| (ii) Seamless cotton: | |
| 13-ounce (20 x 42-inch) | 120 |
| 16-ounce (20 x 45-inch) | 150 |

(3) Common ryegrass:

| Type | Net capacity (pounds) |
|---|---|
| (i) Osnaburg which can be probed: | |
| 36-inch 2.35 yard or heavier | 100 |
| 40-inch 2.11 yard or heavier | 100 |
| (ii) Burlap: 8-ounce or heavier | 100 |

(b) *Tagging.* The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.1963 *Settlement.* Where seed is delivered to CCC in accordance with § 601.1518 of the 1952 CCC Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that if damage or deterioration has resulted from negligence on the part of the producer, or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered. (See paragraph (d) of this section).

(b) *Warehouse-storage loans*—(1) *Quality not guaranteed.* If the seed is stored on an identity-preserved basis and the quality is not guaranteed by the warehousemen, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt and on the basis of the quality of the seed when placed under loan, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis and the warehouseman guarantees the quantity and quality, settlement shall be made with the producer at the applicable support rate on the basis of the quantity and quality of the seed shown on the warehouse receipt.

(c) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, the seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the identity of the seed is preserved and the quality is not guaranteed by an approved warehouseman, settlement will be made at the applicable support rate on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Quality determination at time of delivery.* Where the quality of the seed delivered under a loan or purchase agreement is not guaranteed by an approved warehouseman, and the county committee has reason to believe that the lot of seed has been disturbed or damaged so that the purity analysis reports and/or germination test certificates are no longer representative of the quality of the seed, then the quality shall be determined by official purity analysis and germination tests made at the time of delivery and settlement will be made at the applicable support rate on the basis of such tests made at the time of delivery, except where CCC assumes loss resulting from damage or deterioration to seed under loan. (See § 601.1515 of the 1952 C. C. C. Grain Price Support Bulletin 1 and § 601.1957 of this Supplement 1).

(e) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line," as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement, will be refunded to the producer: *Provided*, That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering Tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman, is turned over to CCC; (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt; and (5) whenever the support rate for the point of delivery is higher than the support rate for the point of origin shown on the freight certificate, the amount refunded shall be the freight paid on the inbound rail movement less the difference between the support rate for the point of delivery and the support rate for the point of origin. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may reqiure. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

Issued this 14th day of May 1952.

[SEAL] ELMER F. KRUSE,
*Vice President,*
*Commodity Credit Corporation.*

Approved:

G. F. GEISSLER,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 52-5561; Filed, May 19, 1952; 8:54 a. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

#### DELAYED FILING OF APPLICATIONS

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 2.105 are amended as set out below:

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* (a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment or indefinite appointment has been made within the preceding three years from registers of eligibles maintained in the Commission's offices or by Committees of Expert Examiners or Boards of Civil Service Examiners functioning under the direction of the Commission. Examinations under this section shall be held not later than the quarterly period succeeding that in which the applications were filed.

(b) Applications for an examination will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified: * * *

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
*Chairman.*

[F. R. Doc. 52-5507; Filed, May 19, 1952; 8:45 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 6, Amdt. 1]

### PART 40—AIR CARRIER OPERATING CERTIFICATE

#### CEILING AND VISIBILITY MINIMUMS

Section 40.101–1 (b) (1) (i) and 40.101–1 (b) (1) (ii) as published in 16 F. R. 1630–1632 on February 12, 1951, is amended to read as follows:

§ 40.101–1 *Ceiling and visibility minimums (CAA policies which apply to § 40.101).* * * *

(b) *Take-off minimums—(1) Regular, provisional or refueling airports—(i) Twin-engine aircraft.* (*a*) Take-off minimums may be approved as low as 300 feet and one mile if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made. Take-off minimums lower than 300–1 and as low as 200–½ may be approved when the air carrier is authorized landing minimums lower than 300–1 through utilization of the ILS or GCA facilities serving the airport, provided such take-off minimums will not be less than the straight-in landing minimums approved for the particular airport and conditions are such that a straight-in ILS or GCA approach can be executed in accordance with the limitations set forth in the air carrier operating certificate.

(*b*) Take-off minimums as low as 200½ may also be approved at airports not served by ILS or GCA facilities, or at airports equipped with ILS or GCA when conditions are such that a straight-in ILS or GCA approach cannot be made in accordance with subdivision (*a*) of this subparagraph. Such approval, however, will be contingent upon the specification in the flight clearance of an alternate airport having an approved instrument approach procedure located within twenty-five miles of the take-off airport. In addition, at the time of dispatch, the weather at such alternate airport must be at or above alternate landing minimums and forecasted to remain so for a period of two hours thereafter. In submitting applications for approval of such minimums, the lowest take-off minimums applicable without a take-off alternate should be shown in the take-off minimum column of the Operations Specifications—Airport. The take-off minimums applicable when a take-off alternate is specified in the flight clearance should be shown in the "Remarks" section of the Operations Specifications—Airport as follows: "_____ (Show minimums applicable) authorized in accordance with paragraph _____ Airport Preface Pages."

(ii) *Four-engine aircraft.* Take-off minimums may be approved as low as 200 feet and one-half mile if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made. At airports, where take-off minimums of 200–½ have been approved, take-off minimum of 200–¼ may also be authorized on runways equipped with high intensity runway lights, provided such lights are on and in normal operation in order to insure that the pilot has adequate visual reference to the line of forward motion during the take-off run.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010 as amended; 49 U. S. C. 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-5508; Filed, May 19, 1952; 8:45 a. m.]

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## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

### PART 608—DANGER AREAS

#### ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, a Winters, California, area (D–408) is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Using agency |
|---|---|---|---|---|
| WINTERS (D–408) (Sacramento Chart). | Beginning at lat. 38°31'00" N, long. 122°02'45" W; SSE to lat. 38°27'00" N, long. 122°01'45" W; due W to long. 122°10'00" W; NNE to lat. 38° 31'00" N, long. 122°08'45" W; due E to lat. 38°31'00" N, long. 122°02'45" W, point of beginning. | Surface to unlimited. | Continuous. | 12th Naval District, San Francisco, Calif. |

2. In § 608.36, the Fallon, Nevada, areas, published on July 16, 1949, in 14 F. R. 4293, and amended on May 12, 1950, in 15 F. R. 2839, and on December 30, 1950, in 15 F. R. 9435, are revised to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Using agency |
|---|---|---|---|---|
| FALLON (Reno Chart). | 1. (D–267) Beginning at lat. 39°46'00" N, long. 118°44'00" W; ENE to lat. 39°56'30" N, long. 118°12'00" W; SSW to lat. 39°38'00" N, long. 118°22'30" W; due W to long. 118°44'00" W; due N to lat. 39°46'00" N, long. 118°44'00" W, point of beginning. | Surface to 30,000 feet. | Continuous | 12th Naval District, San Francisco, Calif. |
| | 2. Target No. 18 (D–268): A circular area having a radius of 5 miles centered at lat. 39°20'00" N, long. 118°49'00" W | Surface to 15,000 feet. | do | Do. |
| | 3. Schurz Target (D–269): A circular area having a radius of 5 miles centered at lat. 39°10'30" N, long. 118°39'00" W. | Surface to unlimited. | do | Do. |
| | 4. Eastgate Target (D–270): A circular area having a radius of 5 miles centered at lat. 39°13'30" N, long. 118°15'00" W, excluding that portion lying within Red Civil Airway No. 15. | do | Continuous (firing will be conducted only when ceiling and visibility in vicinity are at least 1,500 feet and 3 miles). | Do. |

3. In § 608.52, the Wendover, Utah, Area I (D–257), published on July 16, 1949, in 14 F. R. 4296, is rescinded.

4. In § 608.52, the Wendover, Utah, Area II (D–258), published on July 16, 1949, in 14 F. R. 4296 is amended by changing the "Description by Geographical Coordinates" column to read: "Northern Area (D–258): Beginning at lat. 41°11'30" N, long. 112°56'30" W; due S to lat. 40°51'35" N; W to lat. 40°48'20" N, long. 113°40'00" W; NNW to lat. 41°11'30" N, long. 113°43'30" W; due E to lat. 41°11'30" N, long. 112°56'30" W, point of beginning."

5. In § 608.55, a Port Angeles, Washington, area (D–407) is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Using agency |
|---|---|---|---|---|
| PORT ANGELES (D–407) (Bellingham Chart). (NOTE: This is the portion of the Albert Head, B. C., Danger Area which falls within the territorial limits of the United States.) | That portion of the following described area lying within the territorial limits of the United States: A sector of a circle of 12.5 mile radius centered on latitude 48°23'12" N, longitude 123°28'37" W, and limited by the radii drawn from the center through the Race Rocks Lighthouse at latitude 48°17'53" N, longitude 123°31'48" W, and drawn from the center through the Trial Island Lighthouse at latitude 48°23'42" N, longitude 123°18'12" W. | Surface to 25,000 feet. | Daylight hours only, 7 days a week, under minimum ceiling conditions of 7,000 feet. | Esquimalt Garrison, Victoria, British Columbia, Canada. |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 15, 1952.

[SEAL] F. B. LEE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-5509; Filed, May 19, 1952; 8:45 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 146; 17 F. R. 1178) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.53 *Penicillin-streptomycin implantation pellets, penicillin-dihydrostreptomycin implantation pellets*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141.9 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141.36 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in § 141.36 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2. Section 146.30 (c) (1) (iii) is amended to read:

§ 146.30 *Penicillin troches* * * *
(c) *Labeling* * * *
(1) * * *
(iii) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O is not used, with the date which is 9 months; or if crystalline penicillin, procaine penicillin, *l*-ephenamine penicillin G, or crystalline penicillin O is used, with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

3. In § 146.58 *Penicillin and streptomycin* * * * subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "18" to read "24".

4. Part 146 is amended by adding the following new section:

§ 146.76 *Penicillin-streptomycin implantation pellets, penicillin-dihydrostreptomycin implantation pellets*—(a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin implantation pellets and penicillin-dihydrostreptomycin implantation pellets are pellets composed of crystalline penicillin or procaine penicillin and streptomycin or dihydrostreptomycin, with or without the addition of one or more suitable and harmless diluents, binders, and lubricants. Each pellet contains not less than 5,000 units of penicillin and not less than 6.25 milligrams of streptomycin or dihydrostreptomycin. Its moisture content is not more than 5 percent. The crystalline penicillin conforms to the requirements of § 146.24 (a), except subparagraphs (2) and (4) of that paragraph. The procaine penicillin conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of that paragraph. The streptomycin used conforms to the requirements of § 146.101 (a), except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the requirements prescribed therefor by § 146.103, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the requirements prescribed therefor by such official compendium.

(b) *Packaging.* Unless each pellet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the pellets by a plug of cotton or other like material. The composition of the immediate container or of the foil or film enclosure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container:

(i) The batch mark;

(ii) The number of units of penicillin in each pellet of the batch;

(iii) The number of milligrams of streptomycin or dihydrostreptomycin in each pellet of the batch;

(iv) The statement "for veterinary use only."

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified.

(2) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such pellets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications;

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the penicillin and streptomycin or dihydrostreptomycin used in making the batch were completed, the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each pellet, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: potency, moisture.

(ii) The penicillin used in making the batch: potency, toxicity, moisture, pH, crystallinity, and heat stability (unless it is procaine penicillin), penicillin K content (unless it is crystalline penicillin G or procaine penicillin G), and the penicillin G content if it is crystalline penicillin G or procaine penicillin G.

(iii) The streptomycin or dihydrostreptomycin used in making the batch: potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: one pellet for each 5,000 pellets in the batch, but in no case

less than 30 pellets or more than 100 pellets, collected by taking single pellets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is crystalline penicillin and not less than 300 milligrams if it is procaine penicillin, each taken from a different part of such batch and packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

(iii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages, each containing approximately 0.5 gram, taken from a different part of such batch and packaged in accordance with the requirements of § 146.101 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each pellet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iv) of this section; $10.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such pellets and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

5a. Section 146.106 (a) (1) is amended to read:

§ 146.106 *Streptomycin sulfate solution, dihydrostreptomycin sulphate solution (crystalline dehydrostreptomycin sulphate solution)*—(a) *Standards of identity, strength, quality and purity.* * * *

(1) Its potency is 250 milligrams or 500 milligrams per milliliter, unless it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.106, paragraph (b) *Packaging*, the last sentence is amended to read: "Each such container shall contain not less than 1.0 milliliter and not more than 50 milliliters, unless it is intended solely for veterinary use and is conspicuously so labeled."

6a. The headnote of § 146.403 is changed to read:

§ 146.403 *Bacitracin tablets, bacitracin vaginal suppositories (if they are represented for vaginal use), bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals).*

b. Section 146.403 (c) (1) is amended by changing the period at the end of subdivision (iii) to a semicolon and adding the following new subdivision:

(c) *Labeling.* * * *

(1) * * *

(iv) If it is bacitracin implantation pellets, the statement "For veterinary use only."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of penicillin-streptomycin implantation pellets and penicillin-dihydrostreptomycin implantation pellets; for an expiration date of 24 months for penicillin troches containing crystalline salts of penicillin, if such manufacturer has proved his drug stable for such period of time; for a change in the expiration date for penicillin and streptomycin and penicillin and dihydrostreptomycin from 18 months to 24 months; for a change in the potency requirements and packaging provisions for streptomycin sulfate solution and dihydrostreptomycin sulfate solution when such drugs are intended solely for veterinary use and are conspicuously so labeled; and for an amendment to the regulations for bacitracin tablets to include bacitracin implantation pellets, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the changes set forth above.

Dated: May 14, 1952.

[SEAL] JOHN L. THURSTON,
*Acting Administrator.*

[F. R. Doc. 52-5558; Filed, May 19, 1952; 8:53 a. m.]

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PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BACITRACIN-NEOMYCIN OINTMENT

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., 146) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.411 *Bacitracin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141.402 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Neomycin content.* Using an aliquot of the extract prepared under subparagraph (1) of this paragraph, proceed as directed in § 141.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2. Part 146 is amended by adding the following new section:

§ 146.411 *Bacitracin-neomycin ointment.* (a) Bacitracin-neomycin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except that:

(1) It contains not less than 3.50 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed for neomycin by § 146.410 (a) (2).

(2) In lieu of the labeling prescribed by § 146.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of milligrams of neomycin in each gram of the batch and the statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(3) In addition to complying with the requirements of § 146.402 (d), a person who requests certification of a batch of bacitracin-neomycin ointment shall submit with his request a statement showing the number of units of bacitracin and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the aureomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the bacitracin-neomycin ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate con-

tainer in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of bacitracin-neomycin ointment, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of bacitracin-neomycin ointment.

Dated: May 15, 1952.

[SEAL] JOHN L. THURSTON,
*Acting Administrator.*

[F. R. Doc. 52-5557; Filed, May 19, 1952; 8:52 a. m.]

## TITLE 27—INTOXICATING LIQUORS

### Chapter I—Bureau of Internal Revenue, Department of the Treasury

[T. D. 5901]

REFERENCES TO CERTAIN OFFICERS IN REGULATIONS, RETURNS, ETC., CONFORMED TO NOMENCLATURE PROVIDED BY TREASURY DEPARTMENT ORDERS

COLLECTORS, DEPUTY COLLECTORS, DISTRICT SUPERVISORS

In rules and regulations applicable to the Bureau of Internal Revenue and in returns, notices, mimeographs, instructions, circulars, or any other forms or publications of whatever nature prescribed, furnished, or used in or by the Bureau of Internal Revenue, to which Treasury Decision 5900, approved May 13, 1952, is not applicable,

(a) Reference to a collector of internal revenue shall be deemed to refer to a Director of Internal Revenue,

(b) Reference to a deputy collector shall be deemed to refer to an internal revenue agent, and

(c) Reference to a district supervisor shall be deemed to refer to an Assistant District Commissioner, Alcohol and Tobacco Tax,

insofar as these references pertain to a collector, deputy collector, or district supervisor in a territory embraced within the jurisdiction of any office of a District Commissioner established from time to time pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243).

Because the sole purpose of this Treasury decision is to conform the documents specified herein to Treasury Department Orders to be issued pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243), upon the effective dates of such orders, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

JOHN B. DUNLAP,
*Commissioner of Internal Revenue.*

Approved: May 15, 1952.

E. H. FOLEY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 52-5568; Filed, May 19, 1952; 8:55 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1952 Dept. Circ. 418, Amdt. 6]

PART 309—ISSUE AND SALE OF TREASURY BILLS

ACCEPTANCE AT MATURITY

MAY 13, 1952.

Paragraph 5 of Department Circular No. 418, as amended (31 CFR 309.5), is hereby revised to read as follows:

§ 309.5 *Acceptance at maturity.* Treasury bills will be acceptable at maturity value to secure deposits of public moneys; they will not bear the circulation privilege. The Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide that Treasury bills of any series will be acceptable at maturity value, whether at or before maturity, under such rules and regulations as he shall prescribe or approve, in payment of income and profits taxes payable under the provisions of the Internal Revenue Code. Notes secured by Treasury bills are eligible for discount or rediscount at Federal Reserve Banks by member banks, as are notes secured by bonds and notes of the United States, under the provisions of section 13 of the Federal Reserve Act. They will be acceptable at maturity, but not before, in payment of interest or of principal on account of obligations of foreign governments held by the United States.

(R. S. 161, sec. 5, 40 Stat. 290, as amended, sec. 8, 50 Stat. 481, as amended; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is deemed unnecessary with respect to this amendment which merely lays the foundation pursuant to which certain privileges may be extended to owners of Treasury bills.

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5559; Filed, May 19, 1952; 8:53 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 13, Amdt. 2]

DMO 13—CREATING A PROCUREMENT POLICY BOARD

CHANGING THE NAME OF THE PROCUREMENT POLICY BOARD TO THE DEFENSE PROCUREMENT POLICY COMMITTEE

1. Defense Mobilization Order No. 13, issued by the Director of Defense Mobilization effective January 3, 1952, creating a Procurement Policy Board, is hereby amended to change the name of the Procurement Policy Board to the Defense Procurement Policy Committee.

2. DMO-13 is also hereby amended to provide that the Defense Procurement Policy Committee shall function as a subcommittee of the ODM Committee on Production Policy as created by Defense Mobilization Order No. 16,[1] May 20, 1952.

3. This order shall take effect on May 20, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
*Acting Director.*

[F. R. Doc. 52-5614; Filed, May 16, 1952; 4:25 p. m.]

[Defense Mobilization Order No. 16]

DMO 16—CREATING A COMMITTEE ON PRODUCTION POLICY

By virtue of the authority vested in me by Executive Order No. 10193, and in order to assist the Director of Defense Mobilization to improve the coordination and effectiveness of Federal policies and programs relating to defense production, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the ODM Interagency Committee on Production Policy which shall consist of the Defense Production Administrator as Chairman and a representative from each of the following departments or agencies:

a. Department of Defense — one or more members as necessary.
b. Department of the Interior.
c. Department of Commerce.
d. Department of Agriculture.
e. Department of Labor.
f. Defense Production Administration.
g. Defense Materials Procurement Agency.
h. Atomic Energy Commission.
i. Defense Transport Administration.
j. Economic Stabilization Agency.
k. National Security Resources Board.
l. When items of production policy affecting additional agencies arise, such agencies will be asked to participate on an ad hoc basis in the deliberations of this Committee affecting their interests.

2. The Committee on Production Policy shall:

a. Advise the Director of Defense Mobilization on problems relating to con-

[1] See F. R. Doc. 52-5615 of this chapter; *infra.*

tinuing defense production, including the development and operation of the mobilization production base.

b. Review Federal policies, plans, and programs relating to production and formulate recommendations for the Director of Defense Mobilization to improve their coordination and effectiveness.

c. Review and formulate for the Director of Defense Mobilization proposed legislation and Executive Orders, and administrative orders and regulations relating to production.

3. The ODM Procurement Policy Board, established by Defense Mobilization Order No. 13, January 3, 1952, as modified by DMO-13, Amendment 2,[1] May 20, 1952, into the Defense Procurement Policy Committee, is hereby designated as a subcommittee to the ODM Committee on Production Policy.

4. This order shall take effect on May 20, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
*Acting Director.*

[F. R. Doc. 52-5615; Filed, May 16, 1952; 4:25 p. m.]

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 120, Amdt. 2]

### CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

SALES NOT COVERED BY CPR 120

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 120, as originally issued, exempted from that regulation sales of meals, food items, and beverages by certain institutions in the territories and possessions of the United States. The intention of the OPS is, and has been, to exempt these sales from CPR 120 or any other regulation. The interpretive problem arises, however, as to whether sales by these institutions are covered by the General Ceiling Price Regulation. In order to make the intention of the OPS perfectly clear and to obviate the need for a number of official interpretations, these exemptions have been issued by the OPS in an amendment to GOR 23. This amendment to CPR 120, therefore, changes Section 14, *Exemptions*, to indicate that these sales are exempted from this or any other regulation by GOR 23.

It was contemplated by the OPS, that CPR 120 would cover boarding houses and American plan hotels. Experience under the regulation has clearly indicated the difficulty of such coverage. These institutions make a flat charge by the day, week, or month, for board and room. Ceiling Price Regulation 120 is essentially a freeze regulation based on menus and price lists in effect during the period January 2-15, 1952. Since many of these institutions had no menus or price lists during that period, or any other period, enforcement would be extremely difficult. This Amendment provides that the ceiling prices for sales of meals, food items and beverages by boarding houses and American plan hotels in the territories and possessions are established by Ceiling Price Regulation 11.

It is the practice in certain of the territories for restaurants to sell beverages by the bottle for consumption on the premises. It is intended that these sales be covered by CPR 120, and the definition of the term "beverages" has been changed to make it clear that the term includes beverages sold by the bottle for consumption on or about the premises.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 120 is amended in the following respects:

1. Section 14 of CPR 120 is amended by deleting the present Section 14 and substituting the following new section therefor:

SEC. 14. *Sales not covered*—(a) *GOR 23 exemptions.* General Overriding Regulation 23 exempts from this or any other regulation the sale of meals, food items, and beverages in the territories and possessions by certain of the following establishments:

(1) Hospitals.

(2) Educational and Fraternal Organizations.

(3) Religious, charitable, and other similar institutions.

(4) Armed Forces eating co-operatives.

(5) Non-profit clubs.

You should examine GOR 23 to determine whether that regulation exempts you from this regulation.

(b) *Boarding houses, American plan hotels, summer camps for children.* If you own or operate an American plan hotel, boarding house or similar type establishment furnishing food and lodging for a combined charge, your ceiling prices for meals for which no separate charge is made are established under CPR 11. If you also serve meals, food items or beverages for which you charge a separate price, your ceiling prices for those meals, food items and beverages are fixed by this regulation. However, the sales of meals, food items, or beverages made by summer camps for children as defined in SR 12 to CPR 34 are subject to that regulation.

2. Section 20 is amended by deleting the present paragraphs (a) and (j) and substituting the following therefor:

(a) "Restaurant" and "eating and drinking establishment" are used interchangeably and mean any place, establishment, or location, temporary or permanent, where any meals, food items, or beverages are sold and served primarily for consumption on or about the premises. This term includes, but is not limited to, restaurants, European Plan hotels, (including room service), taverns, cafes, cafeterias, delicatessens, soda fountains, catering establishments, athletic stadiums, field kitchens, lunch wagons, and hot dog carts.

(j) "Beverages" means alcoholic or non-alcoholic beverages which are sold for consumption on or about the premises.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

*Effective date.* This Amendment 2 to Ceiling Price Regulation 120 is effective May 24, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 19, 1952.

[F. R. Doc. 52-5635; Filed, May 19, 1952; 10:41 a. m.]

[General Ceiling Price Regulation, Amdt. 6 to Revision 1 to Supplementary Regulation 2]

### GCPR, SR 2—RETAIL COAL DEALERS

INCREASED TRANSPORTATION COST

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

On April 11, 1952, the Interstate Commerce Commission issued an order in Ex Parte 175 authorizing the railroads further to increase freight rates and certain other charges upon 15 days' notice by the railroads. The railroads have filed their new tariffs and the rate increases became effective on May 2, 1952. In regard to coal and coke, this order generally permits an increase of 12 percent, with a maximum of 40 cents per net ton, over the rates in effect prior to April 4, 1951. The latest increase supersedes two earlier increases which became effective on April 4, 1951, and August 28, 1951, aggregating 6 percent with a maximum increase of 20 cents per net ton. The new increase, therefore, represents a net increase of 6 percent, with a maximum of 20 cents per net ton, over rates in effect prior to May 2, 1952.

On April 6, 1951, and October 3, 1951, amendments to SR 2, to the GCPR, were issued (effective April 11 and October 3, respectively) authorizing retail coal dealers to increase their ceiling prices by the exact dollars-and-cents amount of increase in transportation costs. Those amendments contained cut-off dates which prohibited the pass-through of transportation costs becoming effective thereafter. This amend-

[1] See F. R. Doc. 52-5614 of this chapter, *supra*.

ment eliminates the cut-off date and authorizes the pass-through of the current rail freight rate increases and all transportation cost increases which may become effective in the future, whether by action of a Federal or State regulatory body.

The Director found, in support of the amendments which became effective on April 11, 1951, and October 3, 1951, that the earnings' position of the retail coal industry was such that absorption of the freight-rate increases should not be required. A comprehensive industry earnings' survey of this industry is now being conducted by OPS and the Bureau of the Census. A preliminary tabulation of returns and other available data demonstrate that the financial condition of the industry has not improved, that their earnings and volume have decreased, and that the profit position of the industry is so low that it would be unfair and inequitable to require the members of the industry to absorb any part of the latest transportation increase. The retail coal dealers are also permitted by present regulations to increase their ceiling prices by the amount of dollar-and-cent increases in price charged them by their suppliers. Thus, the present regulation permits them to maintain their base period dollars-and-cents gross margin.

Many local groups of retail coal dealers have encountered during the past year an increase in labor and other local operating costs which have had the effect of reducing their net margins. One of the purposes of the current national survey of the industry earnings' position of the retail coal industry is to redress the industry for its loss in earnings insofar as present ceiling prices do not permit it to earn the minimum authorized by the industry earnings' standard. Such adjustment will give at least partial relief to cover operating-cost increases.

Historically, retail coal dealers have added to their selling prices such freight increases as applied to the solid fuels they purchased. This amendment permits them to continue this customary practice by eliminating the cut-off date so that retail coal dealers may hereafter increase their ceiling prices by the exact dollars-and-cents increase in transportation costs. The elimination of the cut-off date will also permit retail coal dealers to add to their ceiling prices intrastate transportation costs which are authorized by State regulatory bodies. These bodies act on intrastate rates after the Interstate Commerce Commission has made its decision, often a period of several months later, and elimination of a cut-off date will permit retail coal dealers to add these intrastate transportation cost increases at the time they occur. Rather than continue the practice of extending the cut-off date from time to time as increased transportation rates become effective, it is considered advisable to eliminate the cut-off date entirely.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 (c) of Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended by deleting the words "and on or before January 1, 1952", so that paragraph will read as follows:

(c) Each retail coal dealer may increase the ceiling price of each size and kind of solid fuel he sells and delivers under this revised supplementary regulation by the exact amount of increase in transportation costs that has or may become effective after January 1, 1951: *Provided*, Such increase in transportation costs was authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of solid fuel by the exact amount of increase in transportation costs shall be effective only upon receipt by the retail coal dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of solid fuel, reflecting the increased freight charges and required to be paid by the retail coal dealer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment to SR 2, Revision 1, to the GCPR, shall become effective May 24, 1952.

ELLIS ARNALL,
*Director of Price Stabilization.*

MAY 19, 1952.

[F. R. Doc. 52-5636; Filed, May 19, 1952; 10:41 a. m.]

## Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-23—Revocation]

M-23—CARDED COTTON SALES YARN

REVOCATION

NPA Order M-23 (16 F. R. 11310) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-23 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective May 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-5641; Filed, May 19, 1952; 11:32 a. m.]

[NPA Order M-46, Direction 3 of May 19, 1952]

M-46 PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 3—FILING DATE FOR APPLICATIONS ON FORM PAD-26LP FOR FOURTH QUARTER 1952 REQUIREMENTS OF LINE PIPE

This direction is found necessary and appropriate to promote the national defense and is issued purusant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to advance the date on which applications for fourth quarter 1952 requirements of line pipe on Form PAD-26LP must be filed.

SEC. 2. *The direction.* Notwithstanding the provisions of section 10 (b) of NPA Order M-46, applications for fourth quarter 1952 requirements of line pipe, which are required to be filed on Form PAD-26LP, shall be filed on or before June 5, 1952.

This direction shall take effect May 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-5640; Filed, May 19, 1952; 11:31 a. m.]

[NPA Order M-58—Revocation]

M-58—BINDER AND BALER TWINE

REVOCATION

NPA Order M-58 (16 F. R. 3438) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-58, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective May 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
*Recording Secretary.*

[F. R. Doc. 52-5639; Filed, May 19, 1952; 11:31 a. m.]

## Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 6, Amdt. to Direction 1]

NOTICE OF ADJUSTMENT TO PAD ORDER NO. 6 WITH RESPECT TO USE OF AVIATION GASOLINE FOR AGRICULTURAL AND RELATED PURPOSES

Notice is hereby given that effective at 12:01 p. m., e. s. t., May 16, 1952, an adjustment is granted permitting any carrier, foreign carrier, or non-carrier to accept delivery of, and any person to deliver, aviation gasoline in quantities necessary for the carrying out of seeding, fertilization, or pest or noxious growth control operations in connection with the production of agricultural crops or the carrying out of protection operations against fire, insects or disease in connection with forests, subject to the following conditions:

(1) Any such delivery may be made or accepted only upon certification as required by section 6 of PAD Order No. 6.

(2) No such delivery may be accepted if, as a result of the acquisition of such aviation gasoline, the carrier, foreign carrier, or non-carrier can utilize aircraft for any other activities, including business trips, fence line patrols, or movement of passengers, to an extent greater than he would have been otherwise able under the provisions of PAD Order No. 6 in the absence of this adjustment.

It is the intention of provision (2) above that aviation gasoline acquired pursuant to this adjustment be used exclusively in connection with the enumerated agricultural or forest operations. It is the further intention of provision (2) that the result of acquiring aviation gasoline for these operations is not to increase the availability of aviation gasoline for any other operations. Thus, for example, if a non-carrier had under PAD Order No. 6 an allocated quantity of 650 gallons and had programmed the use of 350 gallons for agricultural or forest operations and 300 gallons for other operations, he could not obtain or use during the 28 days commencing May 6, 1952, more than the programmed 300 gallons for other operations. On the other hand, he would not be limited to 350 gallons for use in connection with the enumerated agricultural or forest operations.

To the extent necessary to permit the acceptance of delivery of aviation gasoline in conformity with the foregoing, the provisions of Direction 1 to PAD Order No. 6 are hereby adjusted.

BRUCE K. BROWN,
*Deputy Administrator.*

[F. R. Doc. 52-5621; Filed, May 16, 1952; 5:10 p. m.]

## Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 7]

### RR 1—HOUSING

Effective May 20, 1952, Rent Regulation 1 is amended as set forth below.

(Sec 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of May 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Section 13 is amended to read as follows:

SEC. 13. *Motor court.* "Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court or motel in the community.

2. Section 31 (a) is amended to read as follows:

(a) This regulation (except the provisions contained in Schedule B) applies to all housing accommodations not subject to the provisions of Rent Regulation 2—Rooms, Rent Regulation 3—Hotels or Rent Regulation 4—Motor Courts within each of the defense-rental areas and each of the portions of a defense-rental area, which are listed in Schedule A, except as otherwise provided in sections 36 to 58.

3. Section 38 is revoked.

4. Sections 39 (b) and (c) are amended to read as follows:

(b) This regulation does not apply to entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided, however,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of sections 36 to 58 and are not subject to the provisions of Rent Regulation 2—Rooms, Rent Regulation 3—Hotels or Rent Regulation 4—Motor Courts.

(c) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remain in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of sections 36 to 58 and are not subject to the provisions of Rent Regulation 2—Rooms, Rent Regulation 3—Hotels or Rent Regulation 4—Motor Courts.

5. The head-note which appears at the beginning of Schedule A is amended to read as follows:

NOTE: In the column designated as "Class" the letters A, B and C appearing therein indicate the housing accommodations within the scope of this regulation (see section 31) under control (except as modified by Schedule B) as follows:

A—All housing accommodations (including those, if any, which prior to effective date indicated in Schedule A were decontrolled under a provision of Schedule B), except those exempt under sections 36 to 43 of the regulation.

B—All housing accommodations except those exempt or decontrolled under sections 36 to 58 of the regulation.

C—Housing accommodations which prior to effective date indicated in this Schedule A were decontrolled under: (a) sections 55, 56 and 58, and (b) those, if any, under a provision of Schedule B.

[F. R. Doc. 52-5547; Filed, May 19, 1952; 8:47 a. m.]

[Rent Regulation 2, Amdt. 6]

### RR 2—ROOMS

Effective May 20, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of May 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

1. Section 15 is amended to read as follows:

SEC. 15. *Motor Court.* "Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court or motel in the community.

2. Section 31 (a) is amended to read as follows:

(a) This regulation (except the provisions contained in Schedule B), applies to all rooms in rooming houses, and other establishments; to all housing accommodations in motor courts not subject to the provisions of Rent Regulation 4—Motor Courts; to trailers and trailer spaces; to rooms in hotels not subject to the provisions of Rent Regulation 3—Hotels; to all accommodations brought under this regulation by consent of the Area Rent Director pursuant to section 63 and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to that regulation, within each of the defense-rental areas and each of the portions of a defense-rental area, which are listed in Schedule A, except as provided in sections 36 to 59.

NOTE: This Regulation 2—Rooms applies primarily to rooms in rooming houses, whereas Rent Regulation 3—Hotels applies only to accommodations in hotels and Rent Regulation 4—Motor Courts applies only to accommodations in motor courts. However, there are a few accommodations in hotels and motor courts which are not subject to the provisions of Rent Regulations 3 and 4. These remain subject to this Rent Regulation 2.

3. The head-note which appears at the beginning of Schedule A is amended to read as follows:

NOTE: In the column designated as "Class" the letters A, B and C appearing therein indicate the housing accommodations within the scope of this regulation (see section 31)

under control (except as modified by Schedule B) as follows:

A—All housing accommodations (including those, if any, which prior to effective date indicated in this Schedule A were decontrolled under a provision of Schedule B), except those exempt under sections 36 to 42 of the regulation.

B—All housing accommodations except those exempt or decontrolled under sections 36 to 59 of the regulation.

C—Housing accommodations which prior to effective date indicated in this Schedule A were decontrolled under: (a) sections 53 to 59, and (b) those, if any, under a provision of Schedule B.

4. Section 44 is revoked.

[F. R. Doc. 52-5546; Filed, May 19, 1952; 8:47 a. m.]

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[Rent Regulation 4]

## RR 4—Motor Courts

### 1. Definitions and Scope

DEFINITIONS



SCOPE



EXEMPTED HOUSING ACCOMMODATIONS



MISCELLANEOUS PROVISIONS



### 2. Prohibition Against Higher Than Maximum Rents



SECURITY DEPOSITS



### 3. Minimum Services



### 4. Maximum Rents



RENT FIXED BY DIRECTOR



MEALS WITH ROOM



### 5. Adjustments and Other Determinations

GENERAL



STANDARDS



GROUNDS FOR INCREASE OF MAXIMUM RENT



DECREASE IN SPACE, MINIMUM SERVICES, FURNITURE, FURNISHINGS, OR EQUIPMENT



GROUNDS FOR DECREASE OF MAXIMUM RENT



MISCELLANEOUS PROCEEDINGS



### 6. Removal of Tenant

GROUNDS



EVICTION CERTIFICATES



NOTICE



EXCEPTIONS



### 7. Registration and Records



### 8. Evasion



### 9. Enforcement



### 10. Procedure



### 11. Continuance of Regulation



AUTHORITY: Sections 1 to 236 issued under sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894.

### 1. Definitions and Scope

DEFINITIONS

SECTION 1. *Act.* "Act" means the Housing and Rent Act of 1947, as amended.

SEC. 2. *Director.* "Director" means the Director of Rent Stabilization, or the Area Rent Director or such other person or persons as the Director of Rent Stabilization may appoint or designate to carry out any of the duties delegated to him by the act.

SEC. 3. *Area Rent Director.* "Area Rent Director" means the person designated by the Director as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Area Rent Director by the Director.

SEC. 4. *Local Advisory Board.* "Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Director upon recommendations made by the Governor or as otherwise required by section 204 (c) of the Housing and Rent Act of 1947, as amended.

SEC. 5. *Area rent office.* "Area rent office" means the office of the Area Rent Director in the defense-rental area.

SEC. 6. *Person.* "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 7. *Housing accommodations.* "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

SEC. 8. *Room.* "Room" means any housing accommodations unit rented or offered for rent in a motor court. The term includes a room or group of rooms or an apartment.

SEC. 9. *Services.* "Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, window shades and storage, kitchen, bath and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

SEC. 10. *Landlord.* "Landlord" includes an owner, lessor, sublessor, assignee or other person, receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

SEC. 11. *Tenant.* "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

SEC. 12. *Rent.* "Rent" means the consideration, including any bonus benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

SEC. 13. *Term of occupancy.* "Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

SEC. 14. *Motor court.* "Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court or motel in the community.

SEC. 15. *Maximum rent date.* "Maximum rent date" means the maximum rent date applicable in any particular defense-rental area or portion thereof as set forth in Schedule A.

SEC. 16. *The 60-day period determining the maximum rent.* "The 60-day period determining the maximum rent" means the 60-day period provided in section 51 et seq. (relating to establishment of maximum rents) for determining the maximum rent for any room for a particular term and number of occupants.

SEC. 17. *Effective date of regulation.* "Effective date of regulation" means the effective date of Rent Regulation 2—Rooms or the effective date of this regulation, whichever is applicable, to each defense-rental area, or portion thereof, as indicated in Schedule A, except where the context indicates clearly to the contrary.

SCOPE

SEC. 21. *Housing and defense-rental areas to which this regulation applies.* (a) This regulation (except the provisions contained in Schedule B) applies to all housing accommodations in motor courts whose maximum rents are established under the provisions of section 204 (1) of the act (housing accommodations in motor courts which were not under control immediately prior to effective date of regulation indicated in Schedule A), within each of the defense-rental areas and each of the portions of a defense-rental area, which are listed in Schedule A, except as provided in sections 23 to 26.

(b) In Schedule A, the "maximum rent date" and the "effective date of regulation" are given for each defense-rental area or portions thereof listed. More than one maximum rent date, or more than one effective date are given for different portions of a defense-rental area where the same maximum rent date or effective date is not applicable to the entire defense-rental area.

(c) In Schedule B are set forth provisions which modify or supplement this regulation insofar as it is applicable to certain individual defense-rental areas, or portions thereof.

EXEMPTED HOUSING ACCOMMODATIONS

SEC. 23. *Service employees.* This regulation does not apply to dwelling space occupied by caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

SEC. 24. *Charitable or educational institutions.* This regulation does not apply to rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

SEC. 25. *Entire structures.* This regulation does not apply to entire structures or premises, as distinguished from the rooms within such entire structures or premises.

SEC. 26. *Resort housing.* This regulation does not apply to rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to September 1, 1951, or the effective date of regulation applicable to such rooms, whichever is later, or newly constructed or newly converted rooms which have been rented or occupied on a seasonal basis since they were first rented or occupied. "Rented or occupied on a seasonal basis" means (a) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season," or (b) rented during the "in-season" at a substantially higher rent than during the "off-season." This exemption shall be effective only from June 1 to September 30, inclusive, in the case of summer resort housing and only from December 1 to March 31, inclusive, for winter resort housing: *Provided, however,* That no room shall be exempt for both periods: *And provided further,* That sections 211 and 214 shall be applicable to such rooms during the exempt period.

MISCELLANEOUS PROVISIONS

SEC. 33. *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

SEC. 34. *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of regulation.

2. PROHIBITIONS AGAINST HIGHER THAN MAXIMUM RENTS

SEC. 40. *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after the effective date of regulation, of any room subject to this regulation, within the defense-rental area, higher than the maximum rents provided by this regulation; and no person shall solicit, attempt or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under section 50 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

SEC. 41. *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

SEC. 42. *Request by tenant to change to weekly or monthly term of occupancy.* Any tenant who is in continuous occupancy on a daily basis for 7 days or more in an establishment the housing accommodations of which are controlled by this regulation, shall upon request to the landlord be permitted to change to a weekly term of occupancy: *Provided, however,* That if the landlord prefers to rent on a monthly basis and the tenant is unwilling to rent on that basis, the landlord shall be relieved of his obligation to rent on a weekly basis. Any tenant who is in continuous occupancy for 30 days or more on a daily or weekly basis in such an establishment shall upon his request to the landlord be permitted to change to a monthly term of occupancy if any maximum rent is established for such term of occupancy. Where the landlord is required under the provisions of this section to change the tenant's term of occupancy to a weekly or monthly basis, the maximum rent and the services required for the particular term and the particular number of occupants shall be applicable from the date of the tenant's request.

SEC. 43. *Orders where facts are in dispute or in doubt.* If the landlord's duty under section 42 is in dispute or in doubt, the Director at any time on his own initiative or upon application of the tenant may issue an order determining the necessary facts and establishing such duty.

SECURITY DEPOSITS

SEC. 44. *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation, except as provided in this regulation. The term "security deposit" in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience. This section shall be inapplicable to rooms with maximum rents established under section 54 (a).

SEC. 45. *Deposits to secure the return of certain movable articles.* Notwithstanding the provisions of section 44, any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Director may enter an order authorizing a security deposit, not in excess of $10 to secure the return of the movable articles specified in the order.

SEC. 46. *Deposits based on prior rental practices.* Nothwithstanding the provisions of section 44, any landlord may demand, receive, and retain, a security deposit, if said said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

SEC. 47. *Maximum rents established under section 51 or 55.* Where the maximum rent of the room is established on effective date of regulation under section 51 or 55 or was established on April 1, 1952 under section 55, no security deposit shall be demanded, received or retained except in the amount (or a lesser amount) and on the same terms and conditions (or on terms or conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent: *Provided, however,* That where such lease or other rental agreement provided for a security deposit, the Director at any time on his own initiative, or on application of the tenant, may order a decrease in the amount of such deposit, or may order its elimination.

### 3. MINIMUM SERVICES

SEC. 50. *Minimum space, services, furniture, furnishings, and equipment.* Every landlord shall, as a minimum, provide with controlled rooms the same living space and the same essential services, furniture, furnishings and equipment as were provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on the date determining the maximum rent, plus or minus any increases or decreases made pursuant to section 129 or sections 146 to 149 or the comparable provisions of Rent Regulation 2—Rooms.

### 4. MAXIMUM RENTS

SEC. 51. *Rented during the 60-day maximum rent period.* For a room rented during the 60 days ending on the maximum rent date, the maximum rent shall be the last rent charged for each term or number of occupants for which the room was rented during that 60-day period, except as hereinafter provided.

SEC. 52. *Maximum rents created by registration.* If a maximum rent is not established under sections 51 or 53 for a particular term or number of occupants, the landlord may establish such maximum rent by registration. The rent shall be fair and reasonable and based on (a) the actual rents charged during the 60-days ending on the maximum rent date for the same room on any other rental basis, (b) the rent during the same period for comparable rooms in the same establishment on the same rental basis, and (c) the prevailing rent in the defense-rental area on the maximum rent date for comparable rooms on the same rental basis. The Director may order a decrease in the maximum rent as provided in sections 156 et seq. (relating to grounds for decreasing maximum rents).

SEC. 53. *Maximum rents created by first renting.* If a maximum rent is not established under sections 51 or 52 for a particular term or number of occupants, the maximum rent shall be the rent first charged for such term or number of occupants after the effective date of regulation.

SEC. 54. *Rooms supplied to employees of the Federal Government by agencies thereof.* (a) The provisions of this paragraph shall apply to all rooms, supplied or which have been acquired for the purpose of being supplied to employees of the Federal Government under specific Government direction as an incidental service in support of Government programs, for which the rent is or will be set and administered by an agency of the Federal Government. These provisions shall be applicable to rooms supplied or which have been acquired for the purpose of being supplied not only to direct Government employees but also to contractors, contractor's employees and all other persons whose housing is essential to the performance of the Government activity. The maximum rents for such rooms shall be established as follows: For rooms having established rents on the applicable date (which is February 1, 1952, or the effective date of regulation, whichever is later) the maximum rents shall be the established rents for such room on such applicable date for different terms of occupancy and different numbers of occupants. For rooms acquired after such applicable date the maximum rents shall be the maximum rents in effect on the date of acquisition. If a room did not have an established rent or a maximum rent for any—or for a particular—term of occupancy and number of occupants on the applicable date or on the date of acquisition after such applicable date the landlord may establish such maximum rents by registration. If, after the applicable date or after the date of acquisition after such applicable date, a room is first rented for a particular term and number of occupants for which no maximum rent has been established hereunder, the maximum rent shall be the rent first charged for a particular term and number of occupants. Where on the date determining the maximum rent under this paragraph the landlord had a practice of making specific charges for certain services, furniture, furnishings, or equipment, the maximum rent shall be established on a variable basis, according to the services, furniture, furnishings, or equipment provided. Other provisions relating to the establishment of maximum rents (section 51 et seq.) shall be inapplicable to such rooms.

(b) Where a room ceases to be subject to the provisions of paragraph (a) of this section, the maximum rent shall be the maximum rent or rents last in effect under paragraph (a) of this section.

SEC. 55. *Rent based on seasonal demand.* (a) For rooms rented on a seasonal basis during the year preceding the maximum rent date (hereinafter called the "base year"), the maximum rent for different terms and number of occupants (hereinafter called "rental basis") shall be determined as follows:

(1) The maximum rent for each rental basis, from June 1 to September 30 (if this is the in-season) or from April 1 to November 30 (if this is the off-season), shall be the highest rent charged on such rental basis during the months of July and August of the base year.

(2) The maximum rent for each rental basis, from December 1 to March 31 (if this is the in-season) or from October 1 to May 31 (if this is the off-season), shall be the highest rent charged on such rental basis during the months of January and February of the base year.

(3) If a maximum rent is not established under subparagraph (1), (2), or (4) of this paragraph for a particular rental basis, the landlord may establish such maximum rents by registration. The rent shall be fair and reasonable and based on (i) the rents charged during the applicable 2-months period for the same room on any other rental basis, and (ii) the rents charged during the same period for comparable rooms in the same establishment on the same rental basis, and (iii) the prevailing rent in the defense-rental area for comparable rooms rented on the same basis during the 2-months period.

(4) If a maximum rent has not been established under subparagraph (1), (2) or (3) of this paragraph for the particular rental basis for the in-season or the off-season, the maximum rent for the in-season or the off-season, as the case may be, shall be the first rent charged in such season on such rental basis after the effective date of regulation.

(b) For the purposes of this section "rented on a seasonal basis" means (1) rented or occupied during the "in-season" (winter or summer) and vacant during the "off-season," or (2) rented during the "in-season" at a substantially higher rent than during the "off-season." Other provisions relating to the establishment of maximum rents (section 51 et seq.) shall be inapplicable to such rooms.

RENT FIXED BY DIRECTOR

SEC. 70. *Rent fixed by order of Director.* (a) For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of this regulation, the maximum rent shall be the rent fixed by order of the Director as provided in paragraph (b) of this section.

(b) The Director at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area, for comparable accommodations on the maximum rent date, or in the year preceding the maximum rent date in the case of a room which has any maximum rent established under section 55.

MEALS WITH ROOMS

SEC. 80. *Meals with rooms.* For a room with which meals were provided during the 60-day period determining the maximum rent without separate charge therefor, the maximum rent shall be the rent apportioned by the landlord for the room from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Director at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable. Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

5. ADJUSTMENTS AND OTHER DETERMINATIONS

GENERAL

SEC. 90. *General considerations.* (a) Sections 90 to 167 set forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Director shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended, as well as any previous changes in the maximum rent.

(b) In the circumstances enumerated in sections 90 to 167, the Director may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required.

(c) In making adjustments under sections 90 to 167, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor. Upon approval or disapproval of any board recommendation, the board shall promptly be notified of such approval or disapproval.

SEC. 91. *Landlord's certification as to services, etc.* Any landlord who files a petition for adjustment under section 126 et seq. (relating to increases in maximum rents) shall certify that he is maintaining all services, furniture, furnishings and equipment required by this regulation and that he will continue to maintain such services, furniture, furnishings and equipment so long as the adjustment in such maximum rent which may be granted continues in effect.

SEC. 92. *Effective date of rent increase.* In all cases under section 126 et seq. (relating to increases in maximum rents), the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition: *Provided, however,* That where a maximum rent for a room is established under section 51 et seq. (relating to the establishment of maximum rents) of this regulation on the effective date of regulation and a petition for adjustment is filed by the landlord under section 127 or 129 within 45 days of the effective date of this regulation, the adjustment in the maximum rent shall be retroactive to the effective date of regulation.

STANDARDS

SEC. 96. *General.* In addition to the adjustment standards which are included in certain grounds for adjustment (Sections 126 to 167), standards for adjustments are set forth in sections 96 to 99. In applying these standards, the Director shall, wherever appropriate, give due consideration to general increases in the defense-rental area, since the maximum rent date for the defense-rental area, in all costs of operating and maintaining the housing accommodations, in the cost of providing services, furniture, furnishings and equipment and in the cost of construction or making major capital improvements, except insofar as the landlord has been previously compensated for such cost increases.

SEC. 97. *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Director finds would have been on the maximum rent date, the difference in the rental value of the room by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Director finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date.

SEC. 98. *Rent generally prevailing.* In cases under sections 130 and 157, the adjustment shall be on the basis of the rent which the Director finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date: *Provided, however,* That in cases under section 130, the adjustment may be on the basis of the rental agreement in force on the date or during the 60-day period establishing the maximum rent: *And provided further,* That in cases under section 157 where the maximum rent was established under section 55 the adjustment shall be on the basis of the rent generally prevailing in the defense-rental area for comparable rooms in the year preceding the maximum rent date.

SEC. 99. *Seasonal rent cases.* In cases under sections 131, 133, and 160, the adjustment shall be on the basis of the rents which the Director finds were generally prevailing in the defense-rental area for comparable rooms during the year ending on the maximum rent date.

GROUNDS FOR INCREASE OF MAXIMUM RENT

SEC. 126. *Grounds for increase of maximum rent.* Any landlord of rooms registered in accordance with the requirements of this regulation may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds set forth in section 127 et seq. (relating to increases in maximum rent).

SEC. 127. *Major capital improvement.* There has been since the date determining the maximum rent for the room, a substantial change in the room by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance.

SEC. 128. *Change prior to maximum rent date.* There was on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent on the date determining the maximum rent was fixed by lease or other rental agreement which was in force at the time of such change or increase.

SEC. 129. *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room or a substantial increase in the living space since the date determining the maximum rent.

SEC. 130. *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

SEC. 131. *Seasonal demand.* (a) The maximum rent for the room is substantially lower than the rent at other times of the year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 55 and is substantially lower than the rent at other times during the season by reason

of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

SEC. 132. *Inequitable rents.* The landlord is suffering an inequity in that (a) the maximum rent for the room is substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date for the defense-rental area, or during the year preceding the maximum rent date in the case of maximum rents established under section 55, or (b) the landlord has not been compensated for a substantial increase in the cost of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this section shall be in an amount sufficient to relieve the inequity.

SEC. 133. *Change from year-around to seasonal renting or from seasonal renting to year-round renting.* (a) The room is located in a resort community, is primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act.

(b) The maximum rents for the room are established on a seasonal basis and the establishment of a year-round maximum rent would not in the opinion of the Area Rent Director be inconsistent with the purposes of the act. If the order is entered establishing a year-round maximum rent, section 26 (providing for a seasonal exemption) shall be inapplicable.

SEC. 134. *Housing accommodations not yielding fair net operating income—* (a) *Grounds.* (1) The net operating income from the building is less than a fair net operating income. (The net operating income shall not be considered less than fair if it is 25 percent or more of the annual income in the case of a building containing less than five dwelling units, or is 20 percent or more in the case of a building containing five or more dwelling units.)

(2) A petition for adjustment under this section must be filed on Form B-106, provided by the Director, in accordance with the instructions contained therein.

(b) *Amount of adjustment.* The adjustment under this section shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income after adjustment) to the median net operating income of landlords generally (this median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units): *Provided, however,* That where the Director determines that the building falls within a class which normally experienced considerably lower percentages of net operating income than the median, he may determine the amount of adjustment on a basis which will yield a lower percentage of net operating income which would be fair and equitable for that class of buildings.

(c) *Successive petitions.* Where an adjustment is granted under this section and a subsequent petition is filed thereunder the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Director may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages): *And provided further,* That the Director may waive such limitation in cases where an order was issued prior to May 1, 1952 under the proviso contained in paragraph (b).

(d) *Definitions.* For purposes of this section, the term:

(1) "Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

(2) "Net operating income" means the amount by which annual income exceeds annual operating expenses.

(3) "Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Director. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

(4) "Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Director.

(5) "Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

(6) "Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(e) *Housing accommodations in building owned by cooperative corporation or association.* (1) In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this section shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

(2) The annual income for the dwelling units involved shall include (i) the maximum rents for those units, computed on an annual basis, and (ii) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

(3) The annual operating expenses for the dwelling units involved shall include (i) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (ii) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

(4) The term "proportionate share", as used in this paragraph, means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

(5) Except insofar as they are inconsistent with the foregoing provisions of this paragraph (e), all the other provisions of this section shall apply to cases covered by this paragraph.

DECREASE IN SPACE, MINIMUM SERVICES, FURNITURE, FURNISHINGS, OR EQUIPMENT

SEC. 146. *Decrease existing on effective date.* If, on the effective date of this regulation, the services provided for a room are less than the minimum services required by section 50, the landlord shall either restore and maintain such minimum services, or within 30 days after such effective date file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings, equipment, or living space provided with a room are less than the minimum required by section 50, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings, equipment, or living space.

SEC. 147. *Decrease after effective date.* Except as above provided, the landlord shall, until the accommodations become

vacant, maintain the minimum services, furniture, furnishings, equipment, and living space as required under section 50, unless and until he had filed a petition to decrease the services, furniture, furnishings, equipment, or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment, or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the Area Rent Director showing such decrease.

SEC. 148. *Adjustment in maximum rent for decreases.* The order on any petition under sections 146 to 149 may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by sections 146 to 149 may be decreased in accordance with the provisions of section 159.

SEC. 149. *Refund to tenant.* If the landlord fails to file the report required by sections 146 to 149 within the time specified, or decreases the services, furniture, furnishings, equipment, or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease, or the effective date, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment, or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2. If the Director finds that the landlord was not at fault in failing to comply with sections 146 to 149, the order may relieve the landlord of the duty to refund.

GROUNDS FOR DECREASE OF MAXIMUM RENT

SEC. 156. *Grounds for decrease of maximum rent.* The Director at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds set forth in section 157 et seq. (relating to decreases in maximum rents).

SEC. 157. *Rent higher than rent generally prevailing.* (a) The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable rooms on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 55, taking into consideration all relevant factors including any adjustments under section 126 et seq. (relating to increases in maximum rents), which may be applicable.

(b) Where the maximum rent is established under section 53 or 55 (a) (4), and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date determining the maximum rent shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

SEC. 158. *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

SEC. 159. *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 50 or a substantial decrease in the living space since the date or order establishing the maximum rent.

SEC. 160. *Seasonal demand.* (a) The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room, or (b) the maximum rent was established under section 55 and is substantially higher than the rent at other times during the season by reason of seasonal demand for such room. In such cases the Director's order may, if he deems it advisable, provide for different maximum rents for different periods of the calendar year.

MISCELLANOUS PROCEEDINGS

SEC. 166. *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the room, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Director at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings and equipment required to be provided with the room, which order shall be effective to establish the maximum rent from the effective date of regulation or date of first renting, whichever is later. If the Director is unable to ascertain such fact or facts he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on the maximum rent date, or during the year ending on the maximum rent date in the case of maximum rents established under section 55, and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

SEC. 167. *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in section 127 et seq. (relating to increases in maximum rents), or a proceeding is initiated by the Director under section 166, the Director may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceedings. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

6. REMOVAL OF TENANT

GROUNDS

SEC. 181. *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any room by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for surrender of possession, or for entry of judgment upon the tenant's confession for breach of the covenants thereof, or which otherwise provides contrary to sections 181 to 206, unless the room is registered as required by this regulation and except on one or more of the grounds specified in sections 181 to 184 or unless the landlord has obtained a certificate in accordance with section 191.

SEC. 182. *Violating substantial obligation of tenancy.* The tenant is violating a substantial obligation of his tenancy, other than an obligation to pay rent or an obligation to surrender possession of the room, and has continued or failed to cure such violation after a written notice by the landlord that the violation cease.

SEC. 183. *Nuisance or illegal or immoral use.* Under the local law, the tenant (a) is committing or permitting a nuisance in the room and such nuisance continues after written notice to the tenant that the same shall cease or (b) is using or permitting a use of such room for an immoral or illegal purpose.

SEC. 184. *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser,

mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement.

EVICTION CERTIFICATES

SEC. 191. *Eviction certificates.* No tenant shall be removed or evicted on grounds other than those stated in sections 181 to 184 or other than for nonpayment of rent unless on petition of the landlord and where the room is registered as required by this regulation, the Director certifies that an eviction of the character proposed is not inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof.

SEC. 192. *Eviction certificates; waiting period; valid use of certificates.* Certificates issued under section 191 at the expiration of three months from the date of the filing of the petition, shall authorize an action to be brought for removal or eviction of the tenant instituted in accordance with requirements of local law: *Provided, however,* That:

(a) In any case where the Director finds that by reason of exceptional circumstances extreme hardship would result he may waive all or part of the waiting period;

(b) No provision of this section shall be construed to prohibit a landlord who has obtained a certificate under section 191 from serving, prior to the expiration of the waiting period specified in said certificate, such notice or notices as may be required by the local law, provided that such notice or notices do not demand surrender of possession until expiration of said waiting period;

(c) In the event that the landlord's intention or circumstances so change that the premises, possession of which is sought, will not be used for the purpose specified in the certificate, the certificate shall not be effective to authorize eviction or removal of the tenant through court action or otherwise.

NOTICE

SEC. 201. *Notice required.* (a) No tenant shall be removed or evicted from a room by court process or otherwise and no action or proceeding shall be commenced for such purpose upon any of the grounds permitted in sections 181 to 184, including an action based upon nonpayment of rent, unless and until the landlord shall have given written notice to the area rent office and to the tenant as provided in this section.

(b) Every such notice to a tenant to vacate or surrender possession of a room shall state the ground under this regulation upon which the landlord relies for removal or eviction of the tenant, the facts necessary to establish the existence of such ground, and the date when the tenant is required to surrender possession. Where the basis relied upon for the removal or eviction of a tenant is nonpayment of rent the notice shall also include a statement of the amount of the rent due and the rental period or periods for which such rent is due. A written copy of every notice required by this section shall be filed with the area rent office within 24 hours after such notice is given to the tenant.

(c) Every such notice shall give to the tenant a period not less than the following periods prior to the date specified therein for the surrender of possession and to the commencement of any action for removal or eviction: In cases arising under sections 182, 183 or 184, a period not less than 10 days; and in cases where the basis relied upon in such notice for removal or eviction is nonpayment of rent, a period not less than three days.

(d) If judgment for possession is sought by virtue of a confession of judgment or by virtue of a warrant of attorney authorizing confession of such judgment against the tenant, the date of commencement of the action, as referred to sections 181 to 206 shall be deemed to be the date of the filing in court of the first papers in the proceedings for the entry of such judgment.

(e) At the time of commencing any action to remove or evict a tenant, on any ground permitted in sections 181 to 184, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office, stating the title of the case, the number of the case where that is possible, the name and address of the tenant, and the ground or basis relied upon under this section on which removal or eviction is sought.

EXCEPTIONS

SEC. 206. *Exceptions.* The provisions of sections 181 to 201 do not apply to:

(a) *Subtenants.* A subtenant or other person who occupies or occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless the rental agreement between the landlord and tenant contemplated the subletting by the tenant of the entire accommodations or substantially all of the individual units therein, or unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(b) *Daily tenants.* A tenant occupying the room on a daily basis except that the provisions of sections 181 to 201 do apply to a tenant who has been in occupancy after the effective date of regulation in an establishment for a continuous period of 7 days or more, if such tenant has requested a weekly term of occupancy and shall apply also to any such tenant who is in continuous occupancy for a period of 30 days or more after the effective date of regulation, if such tenant has requested a monthly term of occupancy and a maximum rent is established for a monthly term of occupancy.

(c) *Rooms for employees of Federal Government.* Rooms with a maximum rent established under section 54 (a).

7. REGISTRATION AND RECORDS

SEC. 211. *Registration*—(a) *Registration statement.* Every landlord of a controlled room rented or offered for rent shall file in triplicate a written statement on the form provided therefor, containing such information as the Director may require, to be known as a registration statement, registering all maximum rents for such room: *Provided, however,* That if maximum rents are established under section 55 the landlord is required to register the maximum rents established under such section whether the rooms were previously registered or not. Such maximum rent must be registered within 45 days after effective date of regulation or within 10 days after the date it is established, whichever is later, through amending a registration previously filed or by filing a new registration. If the maximum rent is established under section 55 such maximum rent must be registered within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after the date on which it is established, whichever is later.

(b) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within 15 days after the change.

(c) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 2 constitute notice to the person who is then the landlord.

SEC. 212. *Posting maximum rents.* Every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and all numbers of occupants. Such maximum rents shall be posted within 45 days after effective date of regulation or within 10 days after the particular rent is established, whichever is later: *Provided, however,* That if the maximum rent is established under section 55 it shall be posted within 45 days after April 1, 1952, or effective date of regulation, or within 10 days after it is established, whichever is later. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. The card or sign shall also contain the following statement: "Any tenant who is in continuous occupancy in this establishment for 7 days or more after the effective date of the rent regulation shall upon his request to the landlord be permitted by the landlord to change to a weekly term of occupancy and to pay the maximum rent for that room for that term of occupancy from and after the date of his request. Similarly, any tenant who is in continuous occupancy in this establishment for 30 days or more after the effective date of the rent regulation shall, upon his request, be permitted to change to a monthly term of occupancy if a maxi-

mum rent is established for that term of occupancy. Tenants renting on a weekly or monthly basis are protected by the eviction provisions of the rent regulation."

SEC. 213. *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

SEC. 214. *Records*—(a) *Existing records.* Every landlord of a room subject to this regulation rented or offered for rent shall preserve, and make available for examination by the Director, all his existing records showing or relating to the rent for each term and number of occupants for such room rented or regularly offered for rent during the 60-day period determining the maximum rent for such room.

(b) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to this regulation, rented or offered for rent, shall keep, preserve, and make available for examination by the Director, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Director, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 215. *Exceptions.* The provisions of sections 211(a), 212, 213 and 214 shall not apply to rooms with a maximum rent established under section 54 (a). The landlord of such rooms shall file a schedule or schedules setting out the maximum rents for all such accommodations in a particular project and containing such other information as the Director shall require. A copy of such schedule or schedules shall be posted by the landlord in a place where it will be available for inspection by the tenants of such accommodations: *Provided, however,* That the Director may require the landlord to file individual registration statements as required in section 211 where he deems it necessary in order to carry out the provisions of this regulation. If the maximum rent is established under section 54 (a), the schedules or registration statement shall be filed within 45 days after February 1, 1952, or 45 days after the effective date of regulation, or 10 days after the date a maximum rent is first established, whichever is later: *Provided, however,* That if the maximum rent is established under section 54 (a) by an acquisition after February 1, 1952, or after the effective date, whichever is later, and was registered on the date of acquisition, no further registration is required.

### 8. EVASION

SEC. 221. *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

SEC. 222. *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Director is obtained.

### 9. ENFORCEMENT

SEC. 226. *Civil action.* Persons violating any provisions of this regulation, are subject to civil enforcement actions, and suits for treble damages as provided for by the act.

SEC. 227. *Inspection.* Any person who rents or offers for rent, or acts as broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Director has reason to believe may be controlled housing accommodations shall, as the Director may from time to time require, furnish information under oath or affirmation or otherwise permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as broker or agent for rental of any controlled housing accommodations shall, as the Director may from time to time require, make and keep records and other documents and make reports.

### 10. PROCEDURE

SEC. 231. *Procedure.* All registration statements, reports, and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 2.

### 11. CONTINUANCE OF REGULATION

SEC. 236. *Continuance of Regulation.* Prior to the effective date of this Regulation 4—Motor Courts, accommodations in motor courts were subject to Rent Regulation 2—Rooms. Simultaneously with the issuance of an amendment to Rent Regulation 2—Rooms, and the issuance of this regulation, accommodations in motor courts, whose maximum rents are established under the provisions of section 204 (1) of the Housing and Rent Act of 1947, as amended, are no longer subject to Rent Regulation 2—Rooms, but are subject to this regulation. This regulation is a continuing regulation for such accommodations and all actions taken pursuant to Rent Regulation 2—Rooms by the Director or others pertaining to such accommodations shall be considered as taken pursuant to this regulation.

SCHEDULE A—DEFENSE-RENTAL AREAS

| Name of defense-rental area | State | County or counties in defense-rental area under Rent Regulation 4 | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| (1) Anniston | Alabama | Calhoun | Oct. 1, 1950 | Jan. 3, 1952 |
| (3) Dothan-Ozark | do | Coffee, Dale, and Houston | Sept. 1, 1950 | Nov. 7, 1951 |
| (9) Huntsville | do | Madison | Jan. 1, 1951 | Oct. 1, 1951 |
| (13) Fort Huachuca | Arizona | In Cochise County, district 1 | June 1, 1951 | Jan. 21, 1952 |
| (15) Flagstaff | do | In Coconino County, that part of supervisorial district 1, south of 36° latitude, and that part of supervisorial district 2, north of 35° latitude. | Sept. 1, 1950 | Feb. 4, 1952 |
| (16) Tucson | do | In Pima County, districts 1 and 2 | Sept. 1, 1951 | Dec. 17, 1951 |
| (17) Yuma | do | That part of Yuma County, lying west of 114° longitude and south of 33° latitude. | June 1, 1951 | Apr. 7, 1952 |
| (19b) Camden | Arkansas | Calhoun and Ouachita | Sept. 1, 1950 | Nov. 30, 1951 |
| (23) Benton | do | Saline | July 1, 1951 | Do. |
| (25) Pine Bluff | do | Jefferson | Feb. 1, 1951 | Jan. 9, 1952 |
| (29a) Southern Alameda County. | California | In Alameda County, the townships of Eden, Murray, and Pleasanton. | Nov. 1, 1951 | Jan. 14, 1952 |
| (29) Lancaster-Mojave | do | In Kern County, judicial township No. 11; and in Los Angeles County, Antelope Township. | May 1, 1951 | Feb. 28, 1952 |
| (31) Marysville-Chico | do | In Nevada County, the townships of Grass Valley and Nevada; in Sutter County, the township of Yuba; and Yuba County. | June 1, 1951 | Dec. 27, 1951 |
| (33a) Monterey Bay | do | In Monterey County, the townships of Alisal, Castroville, Gonzales, Monterey, Pacific Grove and Pajaro; in Santa Cruz County, the township and city of Watsonville; in San Benito County, the townships of Hollister and San Juan. | Jan. 1, 1952 | Apr. 15, 1952 |
| (34) Richmond-Vallejo | do | In Contra Costa County, townships 5, 6, 8, 9, 13, 16 and 17. | Sept. 1, 1950 | Jan. 14, 1952 |
| | | Solano | do | Oct. 23, 1951 |
| (36) Barstow | do | In San Bernardino County, the township of Barstow. | May 1, 1951 | Nov. 15, 1951 |
| | | In San Bernardino County, the U. S. Marine Corps depot military reservation. | do | Mar. 14, 1952 |
| (37) San Diego | do | In San Diego County, that portion lying west of the San Bernardino Meridian. | Jan. 1, 1951 | Oct. 1, 1951 |
| (39) San Luis Obispo | do | San Luis Obispo | Aug. 1, 1950 | Sept. 27, 1951 |
| (40) Santa Maria | do | In Santa Barbara, judicial townships Nos. 4, 5, 8 and 9. | do | Do. |
| (40a) Ventura | do | Ventura County, except the cities of Ojai, San Buenaventura, and Santa Paula, and all unincorporated localities. | Nov. 1, 1950 | Jan. 7, 1952 |
| (42) Colorado Springs | Colorado | El Paso County, except the town of Green Mountain Falls. | Jan. 1, 1951 | Dec. 10, 1951 |
| (47) Bridgeport | Connecticut | In the County of Fairfield, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull. | July 1, 1951 | Jan. 24, 1952 |

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

| Name of defense-rental area | State | County or counties in defense-rental area under Rent Regulation 4 | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| (48) Hartford-New Britain | do | In Hartford County, the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, and Windsor; and in Tolland County, the town of Bolton. | do | Nov. 7, 1951 |
| (49) New Haven | do | In the County of New Haven, the town of Milford. | do | Jan. 24, 1952 |
| (52) Dover | Delaware | Kent County; and in Sussex County, that portion of the city of Milford located therein. | Aug. 1, 1950 | Nov. 1, 1951 |
| (55) Cocoa-Melbourne | Florida | Brevard | Dec. 1, 1950 | Nov. 30, 1951 |
| (56) Key West | do | Monroe | Sept. 1, 1950 | Jan. 7, 1952 |
| (60a) Putnam County | do | Putnam | Sept. 1, 1951 | Feb. 25, 1952 |
| (63) Pensacola | do | Escambia and Santa Rosa | June 1, 1951 | Jan. 18, 1952 |
| (64a) Seminole County | do | Seminole | May 1, 1951 | Jan. 24, 1952 |
| (64b) Clay County | do | Clay | Sept. 1, 1950 | Jan. 17, 1952 |
| (70a) Marietta | Georgia | Cobb | Sept. 1, 1951 | Dec. 10, 1951 |
| (71) Augusta | do | Richmond County | July 1, 1950 | Sept. 20, 1951 |
| | | Columbia and McDuffie Counties; and in Jefferson County, district 81—Wrens. | Jan. 1, 1951 | Apr. 15, 1952 |
| (75) Hinesville | do | Liberty and Long | Aug. 1, 1950 | Dec. 4, 1951 |
| | | Wayne and Tattnall | do | Mar. 3, 1952 |
| (77) Colquitt County | do | Colquitt | May 1, 1951 | Feb. 11, 1952 |
| (80) Valdosta | do | Lowndes | Apr. 1, 1951 | Sept. 27, 1951 |
| | | Lanier | do | Jan. 15, 1952 |
| (80a) Mountain Home | Idaho | In Elmore County, Mountain Home precincts 1 and 2. | May 1, 1951 | Dec. 12, 1951 |
| (80c) Area-Blackfoot-Idaho Falls | do | Butte County; Bingham County, except the precincts of Sterling, Aberdeen 1 and Aberdeen 2; and Bonneville County, except the precincts of Antelope, Blowout, Grays, Jacknife, Osone, Palisade and Poplar. | July 1, 1950 | Sept. 20, 1951 |
| (86) Joliet | Illinois | Will County, except the village of Crete, and that portion of the village of Steger located therein. | July 1, 1951 | Dec. 10, 1951 |
| (89) Quad Cities | do | Rock Island County | Oct. 1, 1950 | Sept. 20, 1951 |
| | Iowa | Scott County | do | Do. |
| (97) Columbus, Ind | Indiana | Bartholomew, Brown, Jackson, Johnson, and Shelby. | Aug. 1, 1950 | Oct. 15, 1951 |
| (100) Evansville-Henderson | do | Henderson and Union Counties, Ky | do | Nov. 7, 1951 |
| (103) Indianapolis | do | Hamilton, Hancock and Marion | Apr. 1, 1951 | Nov. 5, 1951 |
| (117) Lawrence-Olathe | Kansas | Douglas County; in Johnson County, the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe, and Spring Hill; in Wyandotte County, the city of Bonner Springs, and Delaware Township. | Aug. 1, 1951 | Apr. 14, 1952 |
| (121) Salina | do | Saline | Mar. 1, 1951 | Jan. 14, 1952 |
| (122) Topeka | do | Shawnee | Feb. 1, 1951 | Nov. 7, 1951 |
| (123) Wichita | do | Sedgwick | Mar. 1, 1951 | Dec. 14, 1951 |
| (124) Fort Knox | Kentucky | In Hardin County, magisterial districts 1, 4, 5, and 6; in Meade County, magisterial districts 1, 2, 3, and 4; and in Bullitt County, magisterial districts 1 and 4. | Sept. 1, 1950 | Nov. 26, 1951 |
| (127) Paducah | do | Ballard and McCracken | Jan. 1, 1951 | Oct. 17, 1951 |
| | Illinois | Massac County; and in Johnson County, the township of Vienna, including the city of Vienna. | do | Do. |
| | Kentucky | In Graves County, magisterial districts 5, 6, 7, and 8. | do | Jan. 15, 1952 |
| (129) Alexandria-Leesville | Louisiana | In Beauregard Parish, wards 2, 3, 4, 5, 7, and 8; and Vernon Parish. | Aug. 1, 1950 | Nov. 7, 1951 |
| (138) Presque Isle | Maine | In Aroostook County, the towns of Ashland, Caribou, Castle Hill, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Van Buren, Washburn, and Westfield; the plantations of Caswell and Hamlin, and the city of Presque Isle. | Jan. 1, 1951 | Dec. 10, 1951 |

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

| Name of defense-rental area | State | County or counties in defense-rental area under Rent Regulation 4 | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| (139) Baltimore | Maryland | Harford and Cecil | do | Nov. 7, 1951 |
| | | In Anne Arundel County, election districts 4 and 5. | do | Mar. 6, 1952 |
| (141) Indian Head-Patuxent River | do | St. Marys | do | Feb. 1, 1952 |
| (142) Montgomery-Prince Georges | do | In Prince Georges County, election districts 10 and 14. | do | Mar. 6, 1952 |
| (162) Biloxi-Pascagoula | Mississippi | Harrison and Jackson | Sept. 1, 1950 | Dec. 14, 1951 |
| (172) Rolla-Waynesville | Missouri | Laclede, Phelps and Pulaski | Aug. 1, 1950 | Sept. 27, 1951 |
| (173) Sedalia | do | Johnson and Pettis | Jan. 1, 1952 | Feb. 11, 1952 |
| | | In Henry County, the township and city of Windsor. | do | Mar. 3, 1952 |
| (176) Great Falls | Montana | In Cascade County, school districts 1, 5, 8, 9, 10, 17, 24, 25, 29, 48, 50, 52, 71, 72, 73, 74, 85, and 93. | Sept. 1, 1950 | Feb. 14, 1952 |
| (182) Sidney | Nebraska | Cheyenne | Aug. 1, 1950 | Nov. 5, 1951 |
| (184a) Hawthorne | Nevada | In Mineral County, Hawthorne Township. | do | Jan. 28, 1952 |
| (190) Northeastern New Jersey | New Jersey | Morris | Sept. 1, 1950 | Feb. 11, 1952 |
| (190a) Mount Holly-Lakehurst | do | Burlington County, except the Borough of Medford Lakes in Medford Township and the townships of Bass River, Medford, Shamong, Tabernacle, Washington, and Woodland; and in Ocean County, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the Boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River. | Aug. 1, 1950 | Nov. 7, 1951 |
| (194) Clovis | New Mexico | Curry County; and in Roosevelt County, election precincts 1, 3, 7, and 13. | Nov. 1, 1951 | Jan. 14, 1952 |
| (197) Roswell | do | In Otero County, precincts 1, 2, and 3. | Oct. 1, 1950 | Nov. 1, 1951 |
| (215) Fayetteville, N. C. | North Carolina | Cumberland and Hoke | do | Dec. 27, 1951 |
| (215b) Lenoir County | do | Lenoir | Aug. 1, 1951 | Feb. 25, 1952 |
| (218) Jacksonville, N. C. | do | Onslow | July 1, 1950 | Oct. 15, 1951 |
| (221) New Bern | do | Carteret, Craven and Jones | do | Do. |
| (236) Lawton | Oklahoma | Comanche | Sept. 1, 1950 | Nov. 30, 1951 |
| (255) Umatilla County | Oregon | In Umatilla County, precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41. | Dec. 1, 1950 | Feb. 11, 1952 |
| | | In Umatilla County, precinct 30 | do | Mar. 18, 1952 |
| (262b) Lebanon | Pennsylvania | Lebanon | Mar. 1, 1951 | Dec. 27, 1951 |
| (266) Philadelphia | do | In Bucks County, the townships of Bensalem, Bristol, Falls, Middletown, Lower Makefield, Upper Makefield, Newton, Wrightstown, and Northampton, and the boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, Newtown, Penndell, South Langhorne, Tullytown, and Yardley. | do | Nov. 5, 1951 |
| (267) Pittsburgh | do | That part of Beaver County north and east of the Ohio River, except the townships of Economy and Harmony, and the boroughs of Ambridge, Baden and Conway, and that part of the borough of Ellwood City which lies in Beaver County. | Oct. 1, 1950 | Feb. 28, 1952 |
| | | In Beaver County, the townships of Potter and Center and the borough of Monaca. | do | Apr. 1, 1952 |
| (276) Beaufort | South Carolina | Beaufort County; and in Hampton County, that part of the town of Yemassee located therein. | Sept. 1, 1950 | Jan. 16, 1952 |
| (276a) Aiken | do | Aiken | July 1, 1950 | Sept. 20, 1951 |
| | | Allendale and Barnwell | May 1, 1951 | Do. |
| (278) Sumter | do | Sumter | Feb. 1, 1951 | May 15, 1952 |

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

| Name of defense-rental area | State | County or counties in defense-rental area under Rent Regulation 4 | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| (284) Rapid City-Sturgis. | South Dakota | In Meade County, that portion lying west of the Black Hills Guide Meridian; and in Pennington County, township One North and township Two North, ranges Seven East to Nine East, both inclusive, and township One South, ranges Seven East and Eight East, and the city of Rapid City. | July 1, 1950 | Nov. 7, 1951 |
| (288) Clarksville | Tennessee | Montgomery County, Tenn.; and Christian County, Ky. | Oct. 1, 1950 | Nov. 30, 1951 |
| (295) Nashville | do | In Rutherford County, civil districts 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 19, 21, and 22. | Jan. 1, 1951 | Feb. 25, 1952 |
| (303) Howard County | Texas | Howard | Dec. 1, 1951 | Jan. 22, 1952 |
| (305) Borger | do | Hutchinson | Feb. 1, 1951 | Sept. 20, 1951 |
| (309) Kingsville | do | In Kleberg County, precincts 1, 2, and 3; precincts 3, 4, 5, and 8 in Nueces County, except the city of Agua Dulce. | Apr. 1, 1951 | Jan. 10, 1952 |
| (319e) Brazoria | do | Brazoria | Sept. 1, 1950 | Sept. 20, 1951 |
| (320) Florence-Killeen-Temple. | do | Bell County, except the city of Temple; Coryell County; and in Williamson County, precincts 4 and 5. | July 1, 1950 | Oct. 23, 1951 |
| (321) Laredo | do | That portion of Webb County within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the city of Laredo. | Apr. 1, 1952 | Apr. 15, 1952 |
| (323a) Mineral Wells | do | Palo Pinto and Parker | Mar. 1, 1951 | Nov. 1, 1951 |
| (323b) Hondo | do | Medina County, except the city of Devine. | July 1, 1951 | Jan. 10, 1952 |
| (324) Mount Pleasant-Daingerfield. | do | Camp County; in Cass County, precincts 1, 2 and 8; in Marion County, precincts 1, 2 and 6; Morris County; and in Titus County, precincts 1, 4, 5, 6 and 7. | Apr. 1, 1951 | Nov. 26, 1951 |
| | | In Marion County, precinct 3 | do | Jan. 15, 1952 |
| | | In Upshur County, precincts 2, 6 and 8. | do | Mar. 6, 1952 |
| (324a) Milam County | do | Milam County | Jan 1, 1952 | May 1, 1952 |
| (328) San Marcos | do | Caldwell, Comal, Guadalupe, and Hays. | Mar. 1, 1951 | Jan. 10, 1952 |
| (333) Wichita Falls | do | Wichita | Sept. 1, 1950 | Jan. 14, 1952 |
| (336) Tooele | Utah | In Tooele County, that portion lying east of the Great Salt Lake Desert; and in Salt Lake County, precinct 4. | July 1, 1950 | Oct. 1, 1951 |
| (340) Blackstone | Virginia | In Brunswick County, the magisterial districts of Red Oak, Sturgeon, and Totaro; in Dinwiddie County, the magisterial district of Darvills; Lunenburg County; and Nottoway County. | Aug. 1, 1950 | Nov. 7, 1951 |
| (342) Norfolk-Portsmouth | do | Independent cities of Norfolk, Portsmouth and South Norfolk; and the counties of Norfolk and Princess Anne. | July 1, 1951 | Nov. 1, 1951 |
| (342c) Newport News-Hampton. | do | Independent cities of Hampton and Newport News; and the counties of Warwick, Elizabeth City, and York. | Apr. 1, 1951 | Nov. 15, 1951 |
| (343a) Quantico | do | Prince William and Stafford Counties; and the independent city of Fredericksburg. | Jan. 1, 1951 | Jan. 17, 1952 |
| (348a) Whidbey Island | Washington | Island County; and in Skagit County, the city of Anacortes, and the precincts of Conway, Dewey, Fidalgo, Fir, Harmony, Milltown, Mount Vernon 1, 2, 3, 4, 5, 6, 7, 8 and 9, North Avon, North La Connor, South Avon, South La Connor, Swinomish, and Whitney. | Feb. 1, 1951 | Jan. 23, 1952 |
| (349) Othello | do | In Adams County, Othello election precinct. | Nov. 1, 1950 | Jan. 9, 1952 |
| (351) Port Townsend | do | In Jefferson County, the precincts of Center, Chimacum, Coyle, Gardiner, Hadlock, Irondale, Leland, Nordland, Port Discovery, Port Ludlow, Quilcene, Tarboo, Woodman, and all Port Townsend precincts. | Feb. 1, 1951 | Feb. 13, 1952 |
| (352b) Bremerton | do | Kitsap | May 1, 1951 | Oct. 15, 1951 |
| (354a) Kennewick-Pasco-Richland. | do | Benton County; in Franklin County the precincts of Eltopia, Fishhook, Pasco 1, 2, 3, 4, 5, 6 and 7, Ringold, and Riverview; in Walla Walla County, the precincts of Attalia, Burbank and Wallula; and in Yakima County, the precincts of Belma, Byron, Mabton, Mabton Rural, North Grandview, South Grandview, Sunnyside 1, 2 and 3, Sunnyside rural 1, 2, 3 and 4, Wanita, and Wendell Phillips. | Apr. 1, 1951 | Nov. 5, 1951 |
| (360) Sparta | Wisconsin | Monroe | Sept. 1, 1950 | Jan. 8, 1952 |
| | *Territory* | | | |
| (370) Alaska | Alaska | In the Territory of Alaska, all the area within a 20-mile radius surrounding the post office of each of the following localities: The city of Anchorage, the city of Fairbanks, Elelson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson. | July 1, 1950 | Oct. 1, 1951 |
| | | Kodiak Island | do | Jan. 21, 1952 |

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

1. *Provisions relating to the San Diego, California Defense-Rental Area (Item 37 of Schedule A).* This regulation shall apply to rooms in the San Diego, California Defense-Rental Area except as modified by the following provisions:

(1). *Adjustment for increases in costs and prices.* (a) The room had a maximum rent in effect on October 1, 1951, or on the maximum rent date, and on June 30, 1947, and the present maximum rent does not equal 120 percent of the following: (1) The maximum rent in effect on June 30, 1947; (2) plus any increases in the maximum rent allowed or allowable under this regulation for major capital improvements or for increases in living space, services, furniture, furnishings, or equipment; and (3) minus any decreases in the maximum rent which are or may be required under this regulation because of decreases in living space, services, furniture, furnishings, or equipment or because of substantial deterioration or failure to perform ordinary repair, replacement or maintenance.

(b) The room had a maximum rent in effect on October 1, 1951, or on the maximum rent date, but none on June 30, 1947, and the present maximum rent does not equal 120 percent of the following: (1) The maximum rent for comparable rooms on June 30, 1947; (2) plus any increases in the maximum rent allowed or allowable under this regulation for major capital improvements or for increases in living space, services, furniture, furnishings, or equipment; and (3) minus any decreases in the maximum rent which are or may be required under this regulation because of decreases in living space, services, furniture, furnishings, or equipment or because of substantial deterioration or failure to perform ordinary repair or replacement or maintenance.

(c) *Amount of adjustment.* The adjustment under this section shall be an amount sufficient to cause the maximum rent to equal 120 percent of the amount specified in paragraphs (a) or (b) of this section, whichever is applicable: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947: *And provided further,* That no adjustment under this section shall be effected unless the application filed by the landlord for the adjustment is sworn to.

(d) Where an adjustment under this section is based on a maximum rent in effect on June 30, 1947, and on increases or decreases, if any, in the maximum rent actually allowed under this regulation, such adjustment shall be effective automatically upon the filing of the sworn application. In all other cases under this section, such adjustment shall not be effective until an order is entered by the Director.

(2) The provisions of section 55 and all references to said section where they appear in this regulation are inapplicable, and for any room which had a maximum rent established under section 55, the maximum rent shall be established under the other applicable provision or provisions of this regulation. All provisions of this regulation insofar as they are applicable to the San Diego, California Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item 1 of Schedule B.

(2) *Provisions relating to the Ventura Defense-Rental Area (Item 40a of Schedule A): Partial decontrol of daily rates in motor courts.* In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, maximum daily rates established by this regulation on controlled rooms in motor courts shall no longer be applicable

to rooms rented to transient tenants on a daily basis provided that such transient tenants are supplied with daily maid and linen service.

3. *Provisions relating to Hancock County, Indiana, a portion of the Indianapolis Defense-Rental Area (Item 103 of Schedule A):*

*Decontrol of daily rates in motor courts.* In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, maximum daily rates established by this regulation on controlled rooms in motor courts shall no longer be applicable.

4. *Provisions relating to a portion of the Alaska Defense-Rental Area (Item 370 of Schedule A):*

*Security deposits.* Notwithstanding the provisions of sections 44 through 47 of this regulation, any landlord of rooms located in the area within a 20-mile radius surrounding the Post Office of the City of Fairbanks, Territory of Alaska, except as to tenants already in occupancy, may hereafter demand, receive and retain a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance: *Provided, however,* That upon termination of the tenant's lease or other rental agreement, the landlord shall return such security deposit to the tenant, less the amount of any damage, not exceeding the amount of such security deposit, due to freezing of the housing accommodations caused by the neglect of the tenant.

5. *Provisions relating to Princess Anne County, Virginia, a portion of the Norfolk-Portsmouth, Virginia Defense-Rental Area (Item 342 of Schedule A):*

Effective May 1, 1952, wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 55 the words "October 1 to April 30" are substituted. All provisions of this regulation insofar as they are applicable to Princess Anne County, Virginia, are hereby amended to the extent necessary to carry this provision into effect.

6. *Provisions relating to the independent City of Norfolk, Virginia, a portion of the Norfolk-Portsmouth, Virginia Defense-Rental Area (Item 342 of Schedule A):*

The application of the provisions of section 26 of this regulation is terminated.

In section 55 of this regulation, wherever the words "June 1 to September 30" appear the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear the words "October 1 to April 30" are substituted.

All provisions of this regulation insofar as they are applicable to the independent City of Norfolk, Virginia, are hereby amended to the extent necessary to carry these provisions of item 6 into effect.

7. *Provisions relating to housing accommodations in the Kennewick-Pasco-Richland, Washington Defense-Rental Area (Item 354a of Schedule A):*

The provisions of this regulation are modified in the following respect:

For the purposes of establishing maximum rents on the basis of the rent generally prevailing in the defense-rental area on the maximum rent date, or during the year preceding or ending on the maximum rent date, the defense-rental area shall be deemed to include the territory in the Kennewick-Pasco-Richland, Washington Defense-Rental Area and in the Walla Walla, Washington Defense-Rental Area.

All provisions of this regulation insofar as they are applicable to the Kennewick-Pasco-Richland, Washington Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item 7 of Schedule B.

8. *Provisions relating to the Borger, Texas Defense-Rental Area (Item 305 of Schedule A):*

The application of this regulation is terminated with respect to housing accommodations in any motor court which on September 20, 1951, (a) had no more than 20 percent of its rental units rented on the basis of a weekly or longer term of occupancy, and (b) provided to persons occupying its rental units customary hotel services including room service, telephone and switchboard service, maid service, use and upkeep of furniture, and the furnishing and laundering of linens.

9. *Provisions relating to the Colorado Springs, Colorado Defense-Rental Area (Item 42 of Schedule A):*

(a) The provisions of section 55 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 55, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) With respect to housing accommodations in motor courts, wherever the words "June 1 to September 30" appear in section 26 the words "April 15 to November 1" are substituted.

(d) All provisions of this regulation insofar as they are applicable to the Colorado Springs, Colorado Defense-Rental Area are hereby amended to the extent necessary to carry into effect the provisions of this item 9 of Schedule B.

10. *Provisions relating to the Rapid City-Sturgis, South Dakota Defense-Rental Area (Item 284 of Schedule A):*

(a) The provisions of section 55 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 55, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Rapid City-Sturgis, South Dakota Defense-Rental Area are hereby amended to the extent necessary to carry into effect the provisions of this item 10 of Schedule B.

Effective May 20, 1952.

Issued this 15th day of May 1952.

TIGHE E. WOODS,
*Director of Rent Stabilization.*

[F. R. Doc. 52-5545; Filed, May 19, 1952; 8:47 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Subchapter A—Alaska

[Circular No. 1816]

### PART 64—HOMESITE OR HEADQUARTERS

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES WITHOUT SHOWING AS TO EMPLOYMENT OR BUSINESS

Section 64.6a is hereby amended to read as follows:

§ 64.6a *Notice of initiation of claim.* Any qualified person initiating a claim on or after April 29, 1950, under the act of May 26, 1934, must file notice of the claim for recordation in the land office for the district in which the land is situated, within 90 days after such initiation. Where on April 29, 1950, such a claim was held by a qualified person, such person must file notice of the claim in the proper land office within 90 days from that date.

(Sec. 10, 30 Stat. 413, as amended; 48 U. S. C. 461)

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MAY 13, 1952.

[F. R. Doc. 52-5510; Filed, May 19, 1952; 8:45 a. m.]

### Appendix—Public Land Orders

[Public Land Order 824]

ALASKA

RESERVING PUBLIC LANDS FOR USE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

SECTION 1. Subject to valid existing rights, including as to the land described in paragraph (b) of this section a right-of-way for a pipeline as shown on plat of survey approved December 19, 1917, the following-described public lands in Alaska are hereby reserved as follows:

(a) For use by the Alaska Road Commission as an addition to the administrative site reserved by Public Land Order No. 458 of March 12, 1948:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Anchorage Townsite, East Addition,
Block 28 B, lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12;
Block 28 C, lots 1, 2, 3, 4, 5, 6;
as shown on the supplemental plat of survey approved February 13, 1941.

The areas described aggregate 2.57 acres.

(b) For use by the Forest Service, Department of Agriculture, in connection with the administration of the Chugach National Forest:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Anchorage Townsite, East Addition,
Block 37, lot 1 of South Half.

The area described contains one acre.

SEC. 2. Executive Order No. 2242 of August 31, 1915, reserving the above-described lands, together with other lands, for town-site purposes, and other purposes in connection with the construction and operation of railroad lines, is hereby modified to the extent necessary to permit the reservations made by section 1 of this order to become effective.

SEC. 3. It is intended that the land described in paragraph (b) of section 1 hereof shall be restored to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved by this order.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MAY 13, 1952.

[F. R. Doc. 52-5511; Filed, May 19, 1952; 8:45 a. m.]

[Public Land Order 825]

COLORADO

AMENDMENT OF PUBLIC LAND ORDER NO. 779 OF DECEMBER 29, 1951, WITHDRAWING LANDS AND MINERALS FOR THE USE OF THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, Public Land Order No. 779 of December 29, 1951, reserving the public lands and the minerals reserved to the United States in the patented lands in certain areas in Colorado for the use of the United States Atomic Energy Commission, is hereby amended so as to include in the reservation made thereby the S½ sec. 35, and to exclude therefrom the S½ sec. 25, T. 47 N., R. 18 W., New Mexico Principal Meridian, Colorado.

No application for the land released from withdrawal by this order may be allowed under the homestead, small tract, or desert-land laws, or any other non-mineral public-land laws, unless the lands have been classified as valuable or suitable for such types of applications or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Denver, Colorado.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MAY 13, 1952.

[F. R. Doc. 52-5512; Filed, May 19, 1952; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 877, Amdt. 4]

PART 97—ROUTING OF TRAFFIC

REROUTING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of May A. D. 1952.

Upon further consideration of the provisions of Service Order No. 877 (16 F. R. 4940, 8583, 8681, 12097; 17 F. R. 1726), and good cause appearing therefor: It is ordered, that:

Section 97.877 *Rerouting of traffic*, of Service Order No. 877, be, and it is hereby, amended by substituting the following paragraph (g) hereof for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., May 31, 1952, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended; 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 52-5532; Filed, May 19, 1952; 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 52 ]

UNITED STATES STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Mixed Vegetables, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.715 *Frozen mixed vegetables.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

| | |
|---|---|
| (1) Beans, green or wax | Cut style, predominantly of ½ inch to 1½ inch cuts. |
| (2) Beans, lima | Any single varietal type. |
| (3) Carrots | Diced style, predominantly of ⅜ inch to ½ inch cubes. |
| (4) Corn, sweet | Golden (or Yellow) in whole kernel style. |
| (5) Peas | Early type or sweet type. |

(b) *Proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, or four, or five basic vegetables in the following proportions:

(1) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(2) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(3) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

(c) *Grades of frozen mixed vegetables.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen mixed vegetables is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| (i) Color | 20 |
| (ii) Absence of defects | 40 |
| (iii) Character | 40 |
| Total score | 100 |

(3) The scores for the factors of color, absence of defects, and character (with respect to the individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(4) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* The factor of color refers to the general brightness of all the combined vegetables. Spotted or otherwise discolored lima beans and spotted or off-colored peas (such as brown, gray, cream or yellow-white) that are abnormally defective and that definitely lack any tinge of green pea color are considered as defective and are not considered in evaluating the factor of color.

(i) Frozen mixed vegetables which possess a good color may be given a score of 17 to 20 points. "Good color" means that the combined basic vegetables as a mass are bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that none of the individual vegetables are off color for any reason.

(ii) If the frozen mixed vegetables possess a reasonably good color, a score of 14 to 16 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass are reasonably bright and characteristic of fairly young or fairly tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that none of the individual vegetables are off color for any reason.

(iii) If the frozen mixed vegetables fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units, moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(i) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "Small pieces" and "large pieces" as follows:

(*a*) A "small piece of harmless extraneous vegetable material" is any similarly shaped piece or unit of such material, the equivalent in size or smaller than $\frac{1}{8}$ square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¼-inch cube of corn cob material, ½ square inch of corn husk, and ⅜-inch diameter thistle buds;

(*b*) A "large piece of harmless extraneous vegetable material" is any similarly shaped piece or unit of such material that is larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(ii) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(iii) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(*a*) *Beans, green or wax.* Any unit blemished by scars, by pathological in-

jury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(b) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by pathological injury, by insect injury, or by other means.

(c) *Carrots.* Any unit with unpeeled areas which in the aggregate exceeds the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by pathological injury, by insect injury, or by other means.

(d) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(e) *Peas.* Any spotted or off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(f) *Garnish.* Any piece blemished by discoloration, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(iv) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of normal plumpness and any unit with brown or very black or very dark spots and serious insect injury regardless of the area affected.

(v) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and includes, but is not limited to, the following:

(a) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges that are partially cut or split into two parts, or that are markedly shorter or longer than the predominating lengths of the cut units;

(b) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(c) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(d) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(e) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(vi) Frozen mixed vegetables that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(a) No large pieces of harmless extraneous vegetable material; but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* The combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(b) 2 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 4 ounces of frozen mixed vegetables: *Provided,* Slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not materially affect the appearance or edibility of the frozen mixed vegetables; and

(c) Other defects, individually or collectively, do not materially affect the appearance of the frozen mixed vegetables.

(vii) If the frozen mixed vegetables are reasonably free from defects, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(a) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* The combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(b) 4 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 2 ounces of frozen mixed vegetables: *Provided,* Slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(c) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(viii) If the frozen mixed vegetables fail to meet the requirements of subdivision (vii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(i) Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 34 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(a) *Beans, green or wax.* The bean pods are at least reasonably tender and are the equivalent of frozen green beans or wax beans that would score not less than 34 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(b) *Beans, lima.* The lima beans, except for an occasional bean that may be white, are tender.

(c) *Carrots.* The units are tender and are the equivalent of frozen diced carrots that would score not less than 26 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218 of this chapter).

(d) *Corn.* The kernels are at least in the cream stage of maturity, have at least a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 51 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole-grain Corn."

(e) *Peas.* The peas are at least reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(ii) If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(a) *Beans, green or wax.* The bean pods are at least fairly tender and are the equivalent of frozen green beans or wax beans that would score not less than 30 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(b) *Beans, lima.* The lima beans are at least fairly tender and not more than 10 percent by count of all the lima beans may be white.

(c) *Carrots.* The units are at least reasonably tender and are the equivalent of frozen diced carrots that would score not less than 24 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218 of this chapter).

(d) *Corn.* The kernels are at least fairly tender and are the equivalent of frozen whole-grain corn that would score not less than 45 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole-grain Corn."

(e) *Peas.* The peas are at least fairly tender and are the equivalent of frozen peas that would score not less than 30 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(iii) If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(i) Separate and assemble from all the containers in the sample each of the basic vegetables;

(ii) Weigh each vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(iii) Add the aggregate weights of all the vegetables to obtain the "grand total weight" of all the vegetables from all containers in the sample; and then

(iv) Calculate the percentage of each vegetable in the sample by dividing the "aggregate weight" of each vegetable by the "grand total weight" of all the vegetables.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen mixed vegetables.*

Size and kind of container .....
Container mark or identification:
Packages .....
Cases .....
Label (list of ingredients, etc.) .....
Net weight (ounces) .....

| Kinds, styles of ingredients | Aggregate weight each ingredient | Proportion of ingredients |
|---|---|---|
| Garnish | ..... oz. | ..... % |
| Beans—cut ( ) green; ( ) wax ( " to "); ( ) round; ( ) flat | ..... oz. | ..... % |
| Lima beans | ..... oz. | ..... % |
| Carrots—diced (approx. " cubes) | ..... oz. | ..... % |
| Corn—whole kernel—golden | ..... oz. | ..... % |
| Peas ( ) sweet; ( ) early | ..... oz. | ..... % |
| Grand total weight | ..... oz. | ..... 100% |

( ) Meets proportions; ( ) Fails proportions

| Factors | | Score | |
|---|---|---|---|
| I. Color | 20 | (A) 17-20<br>(B) [1] 14-16<br>(SStd) [1] 0-13 | |
| II. Absence of defects | 40 | (A) 34-40<br>(B) [1] 28-33<br>(SStd) [1] 0-27 | |
| III. Character | 40 | (A) 34-40<br>(B) [1] 28-33<br>(SStd) [1] 0-27 | Thawed:<br>Beans .....<br>Limas .....<br>Carrots .....<br>Corn .....<br>Peas ..... |
| All vegetables after cooking: ( ) tender; ( ) reasonably tender, etc. | | | |

Flavor and odor after cooking: ( ) Good; ( ) Fairly good; ( ) Off.
Total score .....
Grade .....

[1] Indicates limiting rule.

Issued at Washington, D. C., this 15th day of May 1952.

[SEAL]

ROY W. LENNARTSON,
*Assistant Administrator,*
*Production and Marketing Administration.*

[F. R. Doc. 52-5565; Filed, May 19, 1952; 8.54 a. m.]

## [7 CFR Part 941]

[Docket No. AO-101-A13]

### HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the Pure Milk Association, and was held March 11–14, 1952. The major issues presented on the record of the hearing and covered by this decision were whether Order 41 should be amended to provide for:

(1) Revision of the price differentials over the basic formula price for Class I milk and Class II milk (Grade A milk and Grade B milk);

(2) Revision of the "supply-demand price adjustment" provision;

(3) Revision of the provision pertaining to the 70 cent additional differential on Class I milk and Class II milk moved in bulk form outside the surplus milk manufacturing area during the months of September through November; and

(4) Inclusion of a "bracket schedule" for Class I and Class II milk prices.

*Findings and conclusions.* The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The price differentials (over the basic formula price) for Class I milk and Class II milk should be revised to provide for an increase of $0.20 during July through November and $0.10 during all other months.

The present price differentials on Class I milk are $0.50 during May and June; $0.90 July through November; and $0.70 in all other months. The differentials applied to Class II milk are $0.30 during May and June; $0.50 July through November; and $0.40 in all other months.

Three separate proposals affecting the differentials for Class I and Class II milk were offered. One of these provided that the present differentials be increased 60 cents for all months. Two other proposals contained the following monthly amounts over the basic formula price for Class I milk: May and June $0.70; July through December, $1.30; all other months $0.90. For Class II milk they provided the following differentials: May and June $0.40; July through December $0.70; all other months $0.60. In contrast to the present order all three plans proposed also to apply the highest of the monthly differentials to the month of December. As shown above the present order provides that the highest differential shall apply to the months of July through November, inclusive. In addition to the evidence in support of proposals to change the level of Class I and Class II price differentials, there was also testimony by handlers supporting the position that there should be no change in the differentials at this time.

During January 1951, there were 23,361 producers on the Chicago market and at the end of the year there were 22,813 producers, or a net loss of 548 producers. However, testimony showed that some 900 producers actually left the market during the year. The amendment to Order 41 effective July 1, 1951, increased the size of the marketing area so that present market statistics for the Chicago market reflect the 370 producers added as the result of the merger of Orders 41 and 69 at that time.

Evidence in the record attributes the large loss of producers primarily to (1) transfers of producers to other markets in order to secure greater returns, and (2) shifts from production for the Chicago fluid milk market to other types of farm enterprises. The record reveals that in recent years milk prices in the Chicago milkshed have been low, compared with prices for other farm products. In 1951, for example, beef cattle prices in Illinois were over four times those of 1935–39, while Chicago prices to milk producers in 1951 were only two and one third times those of the same base period. There are important segments of the Chicago milkshed where there has been considerable shifting of producers to other markets because of higher milk prices and the influence of premiums. In this connection one large producer organization introduced evidence showing that in the last two years six plant sources of supply have been lost to the Chicago market. Those supplies are Servia and Akron, Indiana, Momence and Mount Carroll, Illinois, and Kenosha and Beloit, Wisconsin.

Statistics introduced in the record together with testimony from producers show substantial increases during the past year in the prices of feed, labor, farm machinery and other materials used by farmers in the production of milk. The relatively high prices of other farm commodities in comparison with the price of milk together with the shortage of skilled labor have prompted some milk producers to shift to other types of farm enterprises while at the same time such conditions have prevented other producers from expanding their milk production. The record indicates further that some reduction in milk cows is anticipated in Illinois and Wisconsin due to the Bovine Brucellosis Control Law now in effect in both states.

The record discloses that an appreciable change in the production trend took place during the latter part of 1950. In only two months since November 1949 have deliveries of milk by producers exceeded the level of the corresponding month the year before. While milk production for the Chicago market declined approximately 2.7 percent annually in 1951 as compared with 1950, Class I sales increased about 6 percent. For the first two months of this year, deliveries were 6.8 percent less than in the same months of 1950 while Class I and Class II sales combined increased approximately 12 percent in the same period. In September, October, and November 1951, the months of seasonally low production, total deliveries of milk in Chicago averaged only 5.3 percent above Class I and Class II sales whereas in 1949 and 1950 total deliveries in these months exceeded Class I and Class II sales by 16.4 percent and 9.3 percent, respectively. It was testified that a 15 percent reserve in the shortest production month above Class I and Class II sales would not be excessive.

The basic problem relating to the level of Class I and Class II pricing under the Chicago order is to establish a level of prices that will result in uniform prices to producers sufficiently above prices being paid for manufacturing milk so as to attract an adequate supply of milk for the market, but not so high that it will induce milk supplies in excess of the necessary reserve for market needs. Since the inception of Order 41 in September 1939 the Class I and Class II price differentials have been related directly to prices for milk used for manufacturing purposes. The Class I and Class II price differentials stated in the order were instituted September 1, 1947. Order 41 uniform prices per hundredweight for 3.5 percent milk received at plants in the 70 mile zone averaged $0.63 higher than the condensery pay price for 1948; $0.69 for 1949; $0.51 for 1950; and $0.53 for 1951. It was testified that the margin between Grade A and manufacturing milk has narrowed to the point that dairy farmers not already under the order are not interested in incurring the additional expense necessary to become qualified for the Chicago market. Premiums above the uniform price have been paid for a substantial period of time by Chicago plants located in the near-in zones of the milkshed. Such premiums presently amount to approximately 8 cents and have been as high as 20 cents within the last six months.

A price "mover" for automatically increasing or decreasing the Class I and Class II price (based on a 6 months' supply and sales relationship in the market) has been in effect since July 1, 1951. This adjustment raised the prices of Class I and Class II milk each month by an average of approximately 13 cents per hundredweight (in this connection a price adjustment for June 1952 of 16 cents was estimated in arriving at such 13 cent average and official notice has been taken of price announcements by the market administrator of Order 41 for the months of March, April, and May 1952). The differentials proposed here for Class I milk are $0.60 during May and June; $1.10, July through November; and $0.80 in all other months with Class II differentials at $0.40, $0.70, and $0.50, for the same periods, respectively. These increases in differentials correspond closely on an annual average basis to the average amount which resulted from the price adjuster in effect since last July. While the increases adopted are less than those proposed, it is concluded that such increases in conjunction with the adjustment for trends (discussed later in this decision) should result in Class I and II prices that are adequate to induce a sufficient supply of milk for the Chicago market.

The increases in Class I and Class II differentials provided would give greater emphasis to prices during the months of July through November, inclusive. It is felt that a relatively greater price incentive to fall production will better serve the needs of the market by giving additional inducement to the production of fall milk. Nevertheless the record indicates that some increase in May and June differentials is warranted. The present $0.50 differential on Class I milk and $0.30 differential on Class II milk during May and June has at times resulted, after the application of appropriate location adjustments, in a uniform price to producers less than the Class IV milk price at distant points in the milk shed. Such a condition has had disturbing effects upon plants and producers located in those areas whose milk currently is necessary to meet the market's requirements. The $0.10 increase on Class I and Class II differentials during May and June should ameliorate the situation described.

Testimony was given in support of the view that the month of December should be included in the fall premium months. It was contended that December is a low production month and that increasing the fall differential period from 5 to 6 months would be an added incentive for the production of fall milk. December, however, may not be properly termed a month of short supply. By December the low point of milk production has been passed and production is on a seasonal increase. Inasmuch as milk supplies in the market are increasing rapidly from a seasonal standpoint at such time of the year, additional price incentive for the month of December is not necessary to assure adequate supplies in such month and probably would not have appreciable effect as a means of increasing the supply of milk during the short months of October and November when added supplies are most needed. Effective July 1, 1951, the month of July was included as a month for which the highest differential would apply. It was concluded at that time that price incentive in July to freshen cows in such month would assist in providing additional supplies of milk during the following short production months. This same reasoning, however, may not be applied in connection with price in-

centive for the month of December as a basis for increasing supplies in the earlier fall months. If the price incentive adopted is sufficient to develop adequate supplies in the months of September, October, and November, it reasonably may be expected from market supply and sales experience that there will be ample supplies in December. It is concluded that there should be no change at this time in the number of months to which the highest Class I and Class II price differentials apply.

Ice cream manufacturers objected to any increase in Class I and Class II price differentials primarily on the basis that they would be at a competitive disadvantage, costwise, with non-Chicago ice cream manufacturers as to sales of ice cream outside the city of Chicago. However, in view of the decreasing market supply in relation to requirements and the payment of premiums above order prices made generally during recent months by pool handlers in the nearby zones, the prices adopted are necessary. It may be noted that the increased Class II price differential adopted would result in an increase of 10 cents per hundredweight for Class II milk in May and June as compared with an increase of 20 cents for July–November.

(2) A price adjustment formula based on a 12-month moving average relationship of production to Class I and Class II sales should be adopted in place of the present adjustment which is based on a 6-month relationship.

Under the provision to automatically adjust the Class I and Class II price differentials upward or downward in accordance with changes in the supply and sales relationship existing in the market over a 6-month period, adjustments were made when the percentage of milk receipts utilized in Classes I and II during the most recent 6 months for which data were available differed from the percentage of milk receipts utilized in Classes I and II during the corresponding six months of the base period. The seasonal pattern of supply and demand during the present base period (August 1949 through December 1950) deviates significantly from the experience in the market over a longer period of time and during recent months. The resulting base percentages tended to increase the adjustment to Class I and Class II price differentials during the spring and early summer months and to lower this adjustment during the fall and winter months, thus being out of harmony with the seasonal pattern of pricing desired.

The general considerations supporting an automatic price adjustment formula were set forth in detail in the text of a decision of the Secretary dated June 12, 1951. In order not to repeat such considerations here, official notice is taken of such decision. However, considerable testimony was presented at the current hearing regarding the period of time upon which it is appropriate to base such an adjustment so as to reflect significant changes in market trends. The mechanical matter under consideration is whether the number of months used in a moving average to determine an adjustment to the Class I and II price differentials should (a) remain unchanged, (b) be increased, or (c) be decreased. The basic consideration is concerned with the question of whether the adjustment of the differential should be related to the recent supply-demand relationship or to the history of the year's operations. Most parties who testified on this issue supported an adjustment related to the secular trend which would act as a corrective factor of pricing.

Another plan offered based the automatic price adjustment on a combination of experience for a 12-months' period and that for a 2-months' period. This proposal would place approximately 58 percent of the adjustment on the supply and demand conditions existing in the most recent 2 months and the other 42 percent on such conditions as they existed during the remaining 10 of the most recent 12 months. It is observed that the use of supply-sales experience of recent origin such as the most recent two months would have a different purpose than the objective of price correction which is involved in the 12 month moving average. It is concluded that there is conflict of principle within such plan and therefore it should not be adopted.

Under the plan adopted, a ratio (percentage) is obtained by dividing the receipts of milk during the most recent 12-month period into the Class I and Class II utilization for the same period. At the present time the sales of Class I and Class II milk outside the surplus milk manufacturing area are excluded from the supply-demand computations. The quantities of milk contained in frozen cream or plastic cream moving into storage also are excluded from present computations since any such milk used in the production of ice cream or other Class I or Class II products is subsequently reflected in the utilization data at the time of its ultimate use. The latter elimination from the computations should be continued. However, the bulk sales to distant markets are a significant part of the demand situation and should be reflected. During 1950 the supply of milk for the marketing area was adequate to the demand for Class I and Class II milk products. Milk supplies were sufficient to cover actual market needs and a reasonable margin of safety. The 12 months of 1950 are included currently in the base percentages set forth in Order 41, and in light of the testimony, such year is considered to be a desirable base for the revised type of adjustment.

During 1950 the total demand for Class I and Class II milk products, including bulk sales to distant markets, was approximately 71 percent of the total receipts of milk from producers, including "own farm" production. Thus, the current supply-demand ratio will be compared with such percentage figure in determining the amount of price adjustment to be made. When the current percentage increases above or decreases below 71, the rate of adjustment should apply for each full point of such deviation.

The present formula increases or decreases Class I and Class II prices 2 cents per point of difference from the base percentage during May and June, 4 cents per point during the months of July through November, and 3 cents per point in other months. In lieu of these rates, the revised formula will employ a rate of 3 cents per point in all months of the year. Since the revised plan will reflect price correction of a long-term character, it is concluded that the seasonal aspects of pricing may be better accomplished through the price differentials as stated.

Former limitations on the upward and downward movements of the supply-demand adjustment have been eliminated. A supply-demand adjustment based on a 12-month period should result in rather gradual adjustments to the Class I and II price differentials. If the demand for milk continues to increase in relation to supply, the Class I and II prices would be adjusted upward until additional milk supplies become available. If on the other hand, supplies tended to become burdensome, downward price adjustments would be made to achieve a better balance between supply and demand. The revised plan does not appear to require such limitations.

Official notice is taken of the parity price of all milk sold at wholesale in the United States, which is the applicable parity under present legislation, of $4.84 per hundredweight as of March 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, nor would it insure a sufficient supply of pure and wholesome milk for the marketing area or be in the public interest.

(3) The provision pertaining to the 70 cent additional differential on Class I and Class II milk moved in bulk form outside the surplus milk manufacturing area during the months of September through November should not be expanded so as to include the months of December and January or to provide for any exemptions. Also, such differential should not be applied at this time to bulk sales of milk and cream to locations outside the marketing area but within the surplus milk manufacturing area.

A producer organization proposed that the "70 cent" provision be expanded to cover the months of December and January. In reference to the proposed inclusion of the months of December and January the record does not indicate that the local supply situation is complicated in such two months by this type of sale. Sales to distant markets tend to diminish seasonally during the month of December and decrease substantially in January. The available supply of milk increases seasonally during such months and if the proper price incentive to total production is given, supplies should be ample to cover these sales as well as sales of Class I and Class II milk made locally. Market experience weighs against the extension of the 70 cent provision to include the months of December and January.

Two other aspects of the proposal related to exemptions from the 70 cent added differential for (i) any distributor who purchases his entire annual supply of milk from a Chicago plant, and (ii)

any distributor who takes Class I or Class II milk from a Chicago plant in April, May or June to the extent of such April, May or June purchases. Finally, the provision would be applied to bulk sales of Class I and Class II milk to markets within the surplus milk manufacturing area as well as to those outside such area. The latter phase of the proposal was abandoned by proponents upon the filing of a brief but is still subject to consideration and decision. Concerning the proposed exemptions from the provision, it is concluded that the record evidence does not support a change at this time. While there is some logic in the contentions made, the record does not cite specific instances of problems raised in such connection by the present provision and adoption of this portion of the proposal might well develop problems of pricing in some of the distant markets which have relied on Chicago for supplementary supplies without being of particular benefit to the Chicago market.

The proposal to apply the added differential to bulk sales inside the surplus milk manufacturing area also is denied. This proposal warrants further consideration at a future hearing. However, it is complicated by the fact that route sales of packaged fluid milk and cream are made in many of the markets to which bulk shipments are made on a "spot sale" basis. Consideration of the price relationships involved require further study before serious consideration may be given to the adoption of such provision. The proposal at least raises the possibility of inequitable treatment for handlers of bulk milk as compared with those handling bottled milk for those secondary markets which historically have been closely related to the Chicago market. The present record does not provide the basis for complete and intelligent exploration of the problems raised by the proposal.

(4) Provision of a "bracket schedule" for Class I and Class II milk prices should not be adopted.

In connection with the revisions of Class I and Class II price differentials, handlers proposed the adoption of a bracket schedule with a 12 cent range for Class I prices and a 14 cent range for Class II prices. The latter would, in addition, incorporate a seasonal pattern based on the periods, July through November, December through April, and May through June. This proposal did not purport to revise particular levels for Class I and Class II prices but was presented as a method for making each change in the Class I price equivalent to 12 cents per hundredweight and Class II price changes equal to 14 cents per hundredweight.

Handlers contended that the adoption of a bracket schedule would act as a stabilizing influence in the operation of their businesses by minimizing fluctuations in Class I and Class II prices paid to producers and would not be of disadvantage to the latter since over a period of time the average of monthly Class I prices would not be changed substantially. Under the particular method of computing prices adopted for Chicago it is doubtful whether the proposal would minimize fluctuations in the Class I and Class II prices to any appreciable extent. It may be pointed out in this connection that under the proposed plan a change in the "computed formula price" of one cent per hundredweight, or even less, could bring about a change of 12 cents per hundredweight in the Class I price or 14 cents in the Class II price. Applied to the year 1951 the average monthly Class I price variation under the proposed method of computation would have averaged slightly over 17 cents per hundredweight while actual Class I price variations from month to month averaged approximately 15 cents per hundredweight. The greatest individual monthly variation in 1951 under the present order was 56 cents while the proposed bracket plan would have resulted in a change as high as 60 cents. It is concluded that the bracket schedule should not be adopted for the Chicago order.

*Rulings on briefs.* Briefs were filed on behalf of a substantial number of producers and handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order, as amended.* The order, as amended, and as proposed below to be further amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A revised marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be amended as follows:

1. Delete § 941.51 and substitute therefor the following:

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(d) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

2. Delete § 941.52 (a) (1) and substitute therefor the following:

(a) *Class I Milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.60; July, August, September, October, and November, $1.10; all others, $0.80: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 71 percent.

3. Delete § 941.52 (b) (1) and substitute therefor the following:

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.40; July, August, September, October, and November, $0.70; all others, $0.50: *Pro-*

*vided*. That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

Filed at Washington, D. C., this 15th day of May 1952.

[SEAL] ROY W. LENNARTSON
*Assistant Administrator.*

[F. R. Doc. 52-5587; Filed, May 19, 1952; 8:56 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 20, 26, 40, 41, 42, 43, 48, 54, 60, 61 ]

CONVERSION OF SPEED AND DISTANCE PROVISIONS OF THE CIVIL AIR REGULATIONS TO KNOTS AND NAUTICAL MILES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND HEARING THEREON

By notice dated April 1, 1952 (Civil Air Regulations Draft Release No. 52-10) published in the FEDERAL REGISTER on April 15, 1952, at 17 F. R. 3357, the Board gave notice through the Director of its Bureau of Safety Regulation that it has under consideration a proposed amendment of several parts of the Civil Air Regulations with respect to the conversion of speed and distance requirements of miles per hour and statute miles to knots and nautical miles. Reference is made to said notice for a full explanation of the purpose and background of the proposed rule. Copies of Draft Release No. 52-10 may be obtained from Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C.

The Board having received requests which appear to warrant it, notice is hereby given that a public hearing will be had before the Civil Aeronautics Board on May 29, 1952 at 10 a. m. e. d. s. t., in Room 5042, Department of Commerce Building, Washington, D. C., at which interested persons may present oral argument with respect to the proposed rule. Those desiring to be heard are requested to inform John M. Chamberlain, Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., at least five days in advance of the hearing. Each speaker will be limited to twenty minutes unless special permission is granted pursuant to written request, submitted to Mr. Chamberlain prior to May 24, 1952, stating the amount of time desired and the persons officially represented.

Such oral presentation may be in explanation of, in addition to, or in lieu of written submission pursuant to the previous notice (Draft Release No. 52-10).

Dated: May 12, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 52-5566; Filed, May 19, 1952; 8:55 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 12 ]

[Docket No. 10188]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 12.111 of Part 12, "Amateur Radio Service" to specify emissions and other particulars of operation in the amateur frequency band 21,000-21,450 kc, and for other reasons.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 12.111 of the Commission's rules and regulations to specify emissions and other particulars of operation in the frequency band 21.00-21.45 Mc to be available for use of amateurs on or about May 1, 1952 (Docket No. 10158). In order to conform with existing limitations on the use of those frequency bands as expressed in existing rules and in the Atlantic City (1947) Table of Frequency Allocations as ratified by the United States, it is also proposed to amend certain subparagraphs of the foregoing section to delete availability of the frequency band 235-240 Mc, as an alternate for the band 220-225 Mc, and to remove the conditions under which the band 220-225 Mc, up until January 1, 1952, was available for amateur use. It is further proposed to amend § 12.23 (e) (2) of Part 12, in which the frequency bands and types of emission available for use of persons holding the Novice Class license are set forth, by deleting the frequency band 26.96 to 27.23 Mc, and substituting therefor the frequency band 21.15 to 21.30 Mc. The proposed amendments are set forth below.

3. The amendments proposed are issued under the authority of section 4 (i) and 303 (c), (f), (l), and (r) of the Communications Act of 1934, as amended, the provisions of the final acts of the International Telecommunications and Radio Conference, Atlantic City, 1947, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva) 1951.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed, may file a written statement or brief setting forth his comments on or before August 1, 1952. Persons desiring to support the amendments may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within fifteen days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and three copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 30, 1952.

Released: May 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

1. Amend § 12.23 (e) by substituting the frequencies 21.15 to 21.30 Mc. for the frequencies 26.960 to 27.230 Mc.

2. Amend § 12.111 in the following particulars:

a. Delete present subparagraph (11) of § 12.111 (a).

b. Amend § 12.111 (a) (5) to provide as follows:

(5) 21.00 to 21.45 Mc, using type A-1 emission; 21.10 to 21.35 Mc, using type F-1 emission; 21.00 to 21.10 Mc, and 21.35 to 21.45 Mc, using type A-3 emission and narrow band frequency or phase modulation for telephony.

c. Amend § 12.111 (a) (10) to provide as follows:

(10) 220 to 225 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques).

d. Amend § 12.111 (a) by renumbering paragraphs in numerical sequence in accordance with the foregoing addition and deletion.

[F. R. Doc. 52-5553; Filed, May 19, 1952; 8:51 a. m.]

### [ 47 CFR Part 18 ]

[Docket No. 10191]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. A proposed amendment of Part 18 of the Commission's rules is set forth below. This amendment relates to the certification of industrial heating equipment.

3. This amendment is issued under authority of sections 301 and 303 of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted in the form set forth herein may file with the Commission on or before June 16, 1952, a written statement or brief, setting forth his comments. At the same time, any person who favors the rules as set forth may file a statement in support thereof. The Commission will consider all comments, briefs and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: May 7, 1952.

Released: May 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

1. Amend § 18.22 to read as follows:

§ 18.22 *Operation outside of assigned frequency bands.* A station license is not required for the operation of industrial heating equipment outside of the frequency bands specified in § 18.21 (a), provided such operation is in accordance with the general conditions of operation set out in the guarantee or certificate required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be operated within a room or space with sufficient shielding and power line filtering so that the emissions of radio-frequency energy generated by such operation, including spurious and harmonic emissions will not exceed a strength of 10 microvolts per meter at a distance of one mile from the location of the industrial heating equipment as defined in paragraph (d) of this section on frequencies other than those specified in § 18.21 (a). *Provided, however,* That if the certification includes more than one machine, the distance of one mile shall be decreased by an amount equivalent to the radius of the circle encompassing the several units. The radio-frequency field from power lines due to radiofrequency energy originating with such equipment at distances beyond one mile must be less than 10 microvolts per meter when measured at one mile from the location of such equipment and 50 feet from the power line.

(b) There shall be affixed to each unit of equipment so operated or posted in the room or location in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of such equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23. It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

(c) The certification required in paragraph (b) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or source of interference to radio communication.

(d) The location of the industrial heating equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 500 feet radius or less, these several units may, at the election of the certifying engineer be considered as a single unit, the location of which will be the center of the smallest enclosing circle.

2. Amend § 18.23 to read as follows:

§ 18.23 *Measurement of field intensity.* Measurements to determine the field intensity of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter employing loop pickup shall be used for measurements on the frequencies of 18 Mc. and below, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the micro-wave region of the spectrum.

(b) Prior to the determination of the maximum field intensity at 1 mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to the equivalent field intensities at 1,000 feet.

(c) The field intensity measurements for the maximum field intensity at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 20 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field intensity is in fact the maximum lobe. If two or more lobes of radiation of approximately the same intensity are present, measurements to determine field intensity shall be made along the several radials for such lobes. Where possible, field intensity measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field intensity in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field intensity at one mile. In those cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field intensity measurements will be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field intensity measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the other beyond. At each of these points at least three measurements of field intensity shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet.

(e) The field intensities specified herein refer to the maximum field intensity, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

3. Amend § 18.31 to read as follows:

§ 18.31 *Miscellaneous equipment.* (a) The operation without a license of miscellaneous equipment, as defined in § 18.2 (d), generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of these rules for medical diathermy apparatus.

(b) Operation of such equipment generating radio-frequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *Provided further,* That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc. shall not be permitted the increase in field with power as indicated above, but shall be subject to the restrictions contained herein for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field intensity measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

[F. R. Doc. 52-5554; Filed, May 19, 1952; 8:52 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Internal Revenue

[Commissioner's Reorganization Order No. 1]

OFFICERS, EMPLOYEES, AND AGENCIES

CONTINUATION OF FUNCTIONS

Pursuant to the authority vested in me by Treasury Department Order No. 150–2,[1] it is directed that officers, employees and agencies of the Bureau of Internal Revenue shall continue to perform the functions they were authorized to perform immediately prior to the effective date of Treasury Department Order No. 150–2, and authorized regulations and procedures in effect immediately prior to the effective date of such order shall continue in effect until changed by appropriate authority.

This order shall become effective immediately after the effective date of Treasury Department Order No. 150–2.

Dated: May 15, 1952.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

[F. R. Doc. 52–5571; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. 2]

APPELLATE DIVISION OF THE DISTRICT

DELEGATION OF CERTAIN FUNCTIONS TO ASSISTANT DISTRICT COMMISSIONER, APPELLATE, AND TO APPELLATE COUNSEL

Pursuant to the authority vested in me by Treasury Department Order No. 150–2, it is directed that:

1. Effective as of the time of the establishment of each District there is established the Appellate Division of the District, which will maintain such office or offices, situated at such place or places within the District, as in the judgment of the Assistant Commissioner, Operations, may appear advisable.

2. The personnel of the Appellate Division will include: The Assistant District Commissioner, Appellate, who will be Head of the Appellate Division, such Assistant Heads of the Appellate Division, such Technical Advisors in Charge and such Special Assistants to the Head as may be required, each to be designated by the Commissioner; and such technical advisors, auditors, and other employees as may be necessary, each to be designated by the Assistant Commissioner, Operations.

3. The Chief Counsel will designate such attorneys and other employees as may be necessary in carrying on the legal work of the Appellate Division. The Chief Counsel, with the approval of the General Counsel, will designate an attorney to supervise such legal work. The attorney so designated will have the operating title of Appellate Counsel.

4. The Assistant Heads of the Appellate Division will assist the Head of the Appellate Division as the latter may direct, and, during the absence of the Head from duty within the District, an Assistant Head will serve as Acting Head of the Appellate Division and as such will perform the duties of the Head in his own name. During the absence of the Head of the Appellate Division from any office on official business within the District, an Assistant Head may perform at such office, in the name of the Head, such of the duties of the Head as the latter may direct.

5. Each office will be under the immediate supervision of a Technical Advisor in Charge. There will be assigned to each office such Special Assistants to the Head as may be required to adequately supervise and assist the technical advisors. During the absence of the Technical Advisor in Charge from any office, such office, unless the Head or the Assistant Head of the Appellate Division or a Special Assistant to the Head is there present for duty, will be under the immediate supervision of a technical advisor designated temporarily by the Head of the Appellate Division as Acting Technical Advisor in Charge.

6. The Chief Counsel will appoint such Assistant Appellate Counsel and such Assistant Counsel in Charge as may be necessary. The Assistant Appellate Counsel and the Assistant Counsel in Charge will perform such duties as the Appellate Counsel may direct. During the absence of the Appellate Counsel, an Assistant Appellate Counsel shall serve as Acting Appellate Counsel.

7. (a) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Head of the Appellate Division will exclusively represent the Commissioner in the determination of Federal income, profits, estate, and gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and in the determination of Federal excise and employment tax liability, as defined in paragraph 15, in all cases originating in the office of any Director of Internal Revenue situated within the District, in which the taxpayers have protested the determination of liability made by that officer: *Provided*, That the Head of the Appellate Division may delegate to the Assistant Head of the Appellate Division his authority to represent the Commissioner in the settlement of any case in his jurisdiction, and may delegate to the Technical Advisor in Charge or any Special Assistant to the Head, with respect to cases assigned to the technical advisors under his supervision, his authority to represent the Commissioner in any such case in which the net deficiency or net overassessment determined by the Director does not exceed $10,000 and the basis of settlement does not involve a net overassessment in excess of $10,000.

(b) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Head of the Appellate Division will also have exclusive authority to settle (1) all cases docketed in The Tax Court of the United States and placed on a calendar for hearing at any place within the territory comprising the District and (2) all cases originating in the office of any Director situated within the District which are placed on the Washington, D. C., calendar of the Tax Court: *Provided*, That the Head of the Appellate Division may delegate to the Assistant Head of the Appellate Division his authority to settle any such docketed case, and may delegate to the Technical Advisor in Charge or any Special Assistant to the Head, with respect to cases assigned to the technical advisors under his supervision, his authority to settle any such docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $10,000 and the basis of settlement does not involve a net overassessment in excess of $10,000.

(c) The authority granted in subparagraphs (a) and (b) of this paragraph does not include authority to:

(1) Make or approve a settlement in any case docketed in the Tax Court, except with the concurrence of Appellate Counsel;

(2) Eliminate the ad valorem fraud or negligence penalty in any case not docketed in the Tax Court, except with the concurrence of Appellate Counsel;

(3) Act in any case in which criminal prosecution has been recommended, unless and until final disposition has been made of the criminal aspects thereof; or

(4) Modify any decision of the Excess Profits Tax Council with respect to any issue arising under the provisions of section 722 of the Internal Revenue Code, except with the concurrence of the Council.

8. (a) The Appellate Counsel will perform his duties under the general supervision of the Chief Counsel. Upon request, he will advise the Head of the Appellate Division upon legal questions arising in the determination of income, profits, estate, gift, excise, and employment tax liability. He will prepare answers and other appropriate pleadings with respect to petitions filed with the Tax Court in cases originating in the office of the Directors situated within the territorial jurisdiction of the District; and he will have exclusive authority to represent the Commissioner in the defense before the Tax Court of (1) cases placed upon a calendar for hearing at any place, other than Washington, D. C., within the territorial jurisdiction of the District, and (2) cases originating in the office of any Director situated within the territorial jurisdiction of the District which are placed on the Washington, D. C., calendar of the Tax Court, but he shall not stipulate before the Tax Court for the settlement of any case except with the approval of the Head of the Appellate Division or of his authorized representative. The Appellate Counsel will consider all memoranda prepared in the Appellate Division recommending the issuance of statutory notices of defi-

[1] For Treasury Department Order No. 150–2, see Office of the Secretary, F. R. Doc. 52–5569, *infra*.

ciency, prior to the issuance of such statutory notices by the Appellate Division.

(b) The Assistant Appellate Counsel or the Assistant Counsel in Charge at any office will have authority to concur with the authorized representative of the Head of the Appellate Division in a settlement of any docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $10,000 and the basis of settlement does not involve a net over-assessment in excess of $10,000.

9. Hearings will be accorded by each Appellate Division upon protested cases which have been referred to it by the Directors situated within the territorial jurisdiction of the District. The Appellate Division will not, however, consider before the issuance of the statutory notice of deficiency any case in which no protest has been filed with the Director. In any case in which protest has been filed with the Director, the Appellate Division will not be required to consider prior to the issuance of the statutory notice new contentions or new evidence that may be decisive with respect to any major issue, but upon the presentation of such contentions or evidence, may refer the issues involved to the Director for further consideration if advisable.

10. (a) When the Appellate Division has reached a final conclusion with respect to any case, there will be prepared a memorandum thereof setting forth the exact grounds upon which the conclusion rests. Except in cases covered by subparagraph (b) of this paragraph, this memorandum will be transmitted with all the papers in the case to the Director for appropriate action.

(b) In each case in which the Head of the Appellate Division concludes that a statutory notice should be issued, such notice will be prepared and issued by the Appellate Division after consideration by the Appellate Counsel. The case will be retained by the Appellate Division and, in the event a petition is filed, the case will be transferred to the Appellate Counsel for preparation of the answer or other appropriate pleading. In the event that no petition is filed, the case will be transferred to the Director for appropriate action.

11. The Appellate Division will have complete jurisdiction of all cases after the issuance of the statutory notice, except as provided in paragraph 12. Upon the taxpayer's request, the Head of the Appellate Division may take up for settlement any case in which a statutory notice has been issued by a Director, and may grant the taxpayer a hearing thereon. Except in unusual circumstances, however, he will not grant a hearing in such a case prior to the filing of a petition.

12. After the filing of a petition in any case, the Head of the Appellate Division will continue to have sole authority, subject to the provisions of paragraph 7, for the settlement of the case, and will have the custody of all administrative files, papers, and documents relating to the case, which will, however, at all times be available to the Appellate Counsel for the preparation of appropriate pleadings to the petition and for the defense before the Tax Court of the Commissioner's determination.

13. At any hearing granted by the Appellate Division, the Director will be represented if he so desires, or if the Head of the Appellate Division, an Assistant Head of the Appellate Division, a Special Assistant to the Head, or the Technical Advisor in Charge, as the case may be, deems it advisable; and at any such hearing on a case involving the ad valorem fraud or negligence penalty, the Appellate Counsel will be represented if he so desires. Except as may be otherwise directed by the Commissioner, the conduct of hearings and other proceedings by the Appellate Division will be in accordance with the procedure heretofore followed by the Appellate Staff.

14. The intent of the arrangements and procedure prescribed in the foregoing paragraphs is to provide in each District one unified agency, with office facilities within the District, to exercise on the ground, for the Commissioner, all the authority which the Department or any of its branches may have under the law in the review of protested tax determinations made by the Directors and in the settlement of contested cases.

15. (a) The term "income, profits, estate, and gift tax," as used in this order, will be construed to include any tax over which the Tax Court has jurisdiction.

(b) The term "excise tax," as used in this order, will be construed to include any Federal excise tax, except: (1) Any tax imposed by Chapter 8, 9, 15, 23, 26 or 27A; (2) any tax imposed by Subchapter B of Chapter 25; (3) any tax imposed by Part V, Part VI, Part VII, or Part VIII of Subchapter A of Chapter 27; and (4) any tax imposed by Subchapter B of Chapter 28, insofar as it relates to liquor and tobacco.

(c) The term "employment tax," as used in this order, will be construed to include any tax imposed by Chapter 9.

16. (a) Notwithstanding the provisions of paragraphs 7 and 8, the Head of the Appellate Division or his authorized representative will have exclusive authority to settle, subject to the concurrence of the Appellate Counsel or his authorized representative, all cases docketed in the Tax Court which originated in the office of any Director situated within the territorial jurisdiction of such District, which may be placed upon a calendar of said Court for hearing at a place within the territorial jurisdiction of any Appellate Division established in a District adjoining such District; and the Appellate Counsel for the District or his authorized representative will have exclusive authority to represent the Commissioner in the defense of such cases before the said Court, subject to the conditions contained in paragraph 8 hereof with respect to the approval of settlements by the Head of the Appellate Division or his authorized representative.

(b) Notwithstanding any of the foregoing provisions, should the Commissioner determine that it would better serve the interests of the Government, he may, as to any case docketed in the Tax Court, confer all or any part of the jurisdiction, authority, and duties specified in paragraph 7 hereof upon the Head of the Appellate Division of the District within which the place of hearing is located; *Provided*, That such jurisdiction, authority, and duties shall not be conferred upon the Head of the Appellate Division of the District which includes Washington, D. C., in a docketed case set for hearing at Washington, D. C., which did not originate within such District, unless the taxpayer's domicile is then situated within that District.

(c) Notwithstanding any of the foregoing provisions, the Chief Counsel, in his discretion, as to any case docketed in the Tax Court, may confer all or any part of the jurisdiction, authority, and duties specified in paragraph 8 hereof upon the Appellate Counsel for the District within which the case has been set for hearing.

17. Notwithstanding any of the foregoing provisions, should the Commissioner determine that it would better serve the interests of the Government, he may, by order in writing, withdraw any case not docketed before the Tax Court from the jurisdiction of any Appellate Division, and provide for its disposition under his personal direction. Similarly, should the Commissioner and the Chief Counsel jointly determine that it would better serve the interests of the Government, they may, by order in writing, withdraw any case docketed before the Tax Court from the jurisdiction of any Appellate Division, and provide for its disposition under their joint direction.

18. The instructions contained in this Order supersede prior instructions to the extent that such prior instructions are inconsistent herewith.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

Approved: May 15, 1952.

THOMAS J. LYNCH,
*General Counsel,*
*Treasury Department.*

Approved: May 15, 1952.

JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5579; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. 3]

APPELLATE DIVISION OF THE DISTRICT

DELEGATION OF AUTHORITY TO ISSUE STATUTORY NOTICES OF DEFICIENCY AND CERTAIN STATUTORY NOTICES OF DISALLOWANCE

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Each Assistant District Commissioner, Appellate, each Assistant Head of the Appellate Division of any District, each Technical Advisor in Charge, and each Special Assistant to the Head of the Appellate Division of any District, is authorized and directed to prepare, sign on behalf of the Commissioner, and, after consideration by the Appellate Counsel as provided in Commissioner's Reorgan-

ization Order No. 2, send to the taxpayer by registered mail, any statutory notice of deficiency which may be appropriate, including those prescribed in sections 272, 871, and 1012, and any notice of disallowance prescribed in section 732 of the Internal Revenue Code, in any case under the jurisdiction of the Appellate Division of the District.

2. Each Assistant District Commissioner, Appellate, is authorized to delegate to such other officers and employees of the Bureau of Internal Revenue assigned to duty with the Appellate Division of the District as may be desirable the authority to prepare, sign on behalf of the Commissioner, and send to the taxpayer by registered mail such statutory notices. Each such delegation shall be in writing, addressed to a named officer or employee, and shall be in the following form:

DELEGATION OF AUTHORITY TO PREPARE, SIGN, AND ISSUE STATUTORY NOTICES

Date _____
Name _____
Title _____
Address _____

Effective immediately and until further notice, or so long as you hold your present office as _____ in the Appellate Division of the _____ District, Bureau of Internal Revenue, you are hereby authorized and directed to prepare, sign on behalf of the Commissioner, and, after consideration by the Appellate Counsel, send to the taxpayer by registered mail, any statutory notice of deficiency which may be appropriate, including those prescribed in sections 272, 871, and 1012, and any notice of disallowance prescribed in section 732 of the Internal Revenue Code, in any case under the jurisdiction of the Appellate Division of the District.

This document is the evidence of your authority in the matter.

_____
(Assistant District Commissioner, Appellate)

3. The instructions contained in this order will be effective in each District as of the time of establishment of the District and will supersede all prior instructions to the extent that such prior instructions are inconsistent herewith.

JOHN B. DUNLAP,
*Commissioner.*

MAY 15, 1952.

[F. R. Doc. 52-5580; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. 4]

DISTRICT COMMISSIONER AND EACH DIRECTOR OF INTERNAL REVENUE FOR THE DISTRICT

DELEGATION OF AUTHORITY TO SIGN CONSENTS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Effective as of the time of the establishment of each District, the District Commissioner and each Director of Internal Revenue for the District are authorized to sign my name to all consents fixing the period of limitation upon assessment which have been or may hereafter be submitted in connection with assessments for any taxable year or for any taxable period.

2. Each such District Commissioner and each such Director of Internal Revenue is authorized to redelegate the authority to sign my name to all such consents to such officers and employees of the Bureau of Internal Revenue assigned to duty within the District as, in his judgment, may be desirable. Each such redelegation shall be in writing addressed to a named officer or employee and shall be in the following form:

AUTHORITY TO SIGN CONSENTS

Date _____
Name _____
Title _____
Address _____

Effective immediately and until further notice, or so long as you hold your present office as _____ in the _____ District, Bureau of Internal Revenue, you are hereby authorized to sign the name of the Commissioner of Internal Revenue to all consents fixing the period of limitation upon assessment which have been or may hereafter be submitted in connection with assessments for any taxable year or for any taxable period. In each case, however, your initials should appear immediately under the signature, together with the date of such signing.

This authorization is executed in triplicate original. Please write in the space provided below (1) the Commissioner's name in the manner in which you will affix it to consents, (2) your full name, (3) your regular business signature, (4) your initials as you will affix them when you sign the Commissioner's name, and (5) the date. Two of the originals with such entries are to be returned to this office and the other should be retained in your office as a part of the permanent files thereof. These documents are the evidence of your authority in the matter.

_____
(Title)

Commissioner's name _____
Delegatee's name in full _____
Delegatee's regular business signature _____
Delegatee's initials _____
Date _____

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

MAY 15, 1952.

[F. R. Doc. 52-5581; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. 5]

EVERY DISTRICT COMMISSIONER, DIRECTOR OF INTERNAL REVENUE, AND INTERNAL REVENUE AGENT

DELEGATION OF AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Effective as of the time of the establishment of each District, every District Commissioner, Director of Internal Revenue and Internal Revenue Agent is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation to be taken, and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

2. Each such District Commissioner and each such Director of Internal Revenue is authorized to redelegate the authority herein delegated to such subordinates within his jurisdiction as, in his judgment, may be desirable.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

MAY 15, 1952.

[F. R. Doc. 52-5582; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. 6]

EVERY DISTRICT COMMISSIONER, DIRECTOR OF INTERNAL REVENUE AND INTERNAL REVENUE AGENT

DELEGATION OF AUTHORITY TO EXAMINE BOOKS AND WITNESSES

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Effective as of the time of the establishment of each district:

(a) Every District Commissioner, Director of Internal Revenue and Internal Revenue Agent is authorized, under the provisions of section 3614 of the Internal Revenue Code, to examine any books, papers, records or memoranda bearing upon matters required to be included in any return required under the Internal Revenue laws, to require the attendance of any person rendering a return, or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and to take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

(b) Every District Commissioner and Director of Internal Revenue shall have the authority, subject to the provisions of section 3615 of the Internal Revenue Code to summon any person to appear before him and produce books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof.

2. Each such District Commissioner and each such Director of Internal Revenue is authorized to redelegate the authority delegated in paragraph 1 of this order to such Heads of Divisions or Heads of Branches within his jurisdiction as, in his judgment, may be desirable.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

MAY 15, 1952.

[F. R. Doc. 52-5583; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. Chi-1]

DISTRICT COMMISSIONER AND DIRECTORS, CHICAGO DISTRICT

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue:

1. *Delegation to District Commissioner.* There is hereby delegated to the District Commissioner of Internal Revenue for the Chicago District the author-

ity to perform, manage, administer, and provide technical direction of all functions which by this order and subsequent orders are vested in field offices of the Bureau of Internal Revenue within such district. In such capacity, such District Commissioner is vested with the responsibility for district policies, programs and procedures and for directing and coordinating the work of the Directors of Internal Revenue within such district. There shall be in the office of the District Commissioner the following positions: Assistant District Commissioner (Administrative); Assistant District Commissioner (Collections); Assistant District Commissioner (Audit); Assistant District Commissioner (Intelligence); Assistant District Commissioner (Alcohol and Tobacco Tax); Assistant District Commissioner (Appellate). Without limiting the generality of the delegations made hereinabove to the District Commissioner, there are delegated to the District Commissioner and the Assistant District Commissioners the functions more particularly described in the Exhibit A set forth below.

2. *Limitations on authority.* The authority delegated in paragraph 1 shall not include the authority which, by T. S. No. 57, approved September 14, 1939, as amended, by Commissioner's Reorganization Order No. 2, or by other orders relating to the same authority, is vested in officers of the Appellate Staff, any Assistant District Commissioner, Appellate, or reserved to the Commissioner. Likewise, the authority delegated in paragraph 1 does not include the functions, relating to the assessment and collection of taxes and the accountability therefor, delegated to the Directors of Internal Revenue in paragraph 3 of this order.

3. *Delegation to Directors*—(a) (i) *Director of Internal Revenue, Chicago.* There are hereby delegated to the Director of Internal Revenue, Chicago, all functions relating to the assessment and collection of taxes and the accountability therefor of the office of Collector of Internal Revenue for the First Collection District of Illinois immediately prior to the effective date of Treasury Department Order No. 150-3[1] (which provides for the abolition of such office.)

(ii) *Director of Internal Revenue, Springfield.* There are hereby delegated to the Director of Internal Revenue, Springfield, all functions relating to the assessment and collection of taxes and the accountability therefor of the office of Collector of Internal Revenue for the Eighth Collection district of Illinois immediately prior to the effective date of Treasury Department Order No. 150-3 (which provides for the abolition of such office).

(iii) It is the specific purpose and intent of the foregoing delegations to insure the preservation of the right to maintain suit for refund of taxes against such Directors of Internal Revenue in the same manner as suits were maintained against the Collectors of Internal Revenue of the First and Eighth Collection districts of Illinois prior to the abolition of such offices by Tresaury Department Order No. 150-3.

(b) *Subject to the exercise of appropriate authority by the District Commissioner.* (i) In addition to the functions described in subparagraph (a) (i) of this section, there are delegated to the Director of Internal Revenue, Chicago, the following:

(A) All of the functions of the Collector of Internal Revenue for the First Collection district of Illinois immediately prior to the effective date of Treasury Department Order No. 150-3, not specifically delegated to such Director in subparagraph (a) (i).

(B) The functions heretofore performed by the Investigator in Charge, Alcohol and Tobacco Tax, Springfield District, which relate to activities within the area constituting the First Collection district of Illinois, and the functions heretofore performed by the Investigator in Charge, Alcohol and Tobacco Tax, Chicago District.

(C) The functions heretofore performed by the Chicago District Intelligence Division which relate to activities within the area constituting the First Collection district of Illinois.

(D) The functions heretofore performed by the Internal Revenue Agent in Charge, Chicago District.

(ii) In addition to the functions described in subparagraph (a) (ii) of this section, there are delegated to the Director of Internal Revenue, Springfield, the following:

(A) All of the functions of the Collector of Internal Revenue for the Eighth Collection district of Illinois immediately prior to the effective date of Treasury Department Order No. 150-3, not specifically delegated to such Director in subparagraph (a) (ii).

(B) The functions heretofore performed by the Investigator in Charge, Alcohol and Tobacco Tax, Springfield District, which relate to activities within the area constituting the Eighth Collection district of Illinois.

(C) The functions heretofore performed by the Chicago District Intelligence Division which relate to activities within the area constituting the Eighth Collection district of Illinois.

(D) The function heretofore performed by the Internal Revenue Agent in Charge, Springfield District.

Without limiting the delegations hereinabove made, the functions hereby delegated to each of such Directors include those more particularly described in Exhibit B set forth below.

4. *Assistant Director of Internal Revenue.* There shall be in the office of each Director of Internal Revenue the position of Assistant Director of Internal Revenue. Such Assistant Director of Internal Revenue shall, in case of the sickness or absence of the Director, or in case of the temporary disability of the Director to discharge his duties, perform the functions of the Director; in case of a vacancy occurring in the office of the Director, the Assistant Director shall perform the functions of the Director until another Director is appointed, unless the Secretary of the Treasury shall direct such functions to be performed by such other employee as he may designate.

5. *Authority to redelegate.* The functions herein transferred to the District Commissioner and the Directors of Internal Revenue may, within the framework of the organization described in Exhibits A and B set forth below, be delegated by each to subordinates within his district in such manner as he shall from time to time direct.

6. *Continuing duties.* Notwithstanding Treasury Department Order No. 150-3 (which abolished the offices of Deputy Collector for the First and Eighth Collection Districts of Illinois), the individuals occupying the positions of Deputy Collectors within such collection districts immediately prior to the effective date of such order shall, until changed by appropriate authority, continue to perform the functions they were authorized to perform at such time and to perform such functions in accordance with authorized regulations and procedures in effect at such time. Such individuals shall have the operating title of "Internal Revenue Agent".

7. *Continuation of functions.* Pending the issuance of further instructions, all officers and employees within the Chicago District (including all officers and employees within the jurisdiction of the Directors of Internal Revenue) shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at such time.

8. *Effective date.* This order shall be effective as of 12:01 a. m., May 20, 1952.

Dated: May 15, 1952.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

EXHIBIT A

FUNCTIONS OF OFFICE OF DISTRICT COMMISSIONER

1. *District Commissioner.* Responsible within established policies and procedures for the administration of all Internal Revenue laws and related statutes, including those more particularly described hereinafter, within the district; supervises and coordinates the work of the several Directors of Internal Revenue within the district; responsible for the activities relating to personnel, training, information and office services, prepares budget estimates, allots and controls funds for the district.

2. *Assistant District Commissioner, Administrative.* Under the District Commissioner plans and directs the activities of the headquarters office and field administrative divisions. Responsible for budgetary functions, personnel matters, space allocations and purchasing of supplies and equipment, training programs and preparation of necessary statistics. Assists the District Commissioner and acts for him during his absence.

3. *Assistant District Commissioner, Collection.* Under the District Commissioner plans and directs the activities of the headquarters office of the Collection Division and assists in planning and coordination of collection activities in the District's field offices; maintains technical and advisory contact with the field offices.

4. *Assistant District Commissioner, Audit.* Under the District Commissioner plans and directs the activities of the headquarters office of the Audit Division and assists in planning and coordination of the field activities relating to investigation of all tax re-

[1] For Treasury Department Order No. 150-3, see Office of the Secretary, F. R. Doc. 52-5570, *infra*.

turns, collection of delinquent accounts and canvassing for delinquent returns; maintains technical and advisory contact with the field offices.

5. *Assistant District Commissioner, Intelligence.* Under the District Commissioner plans and directs the activities of the headquarters office and plans and coordinates activities of the field Intelligence Division; responsible for planning programs and policies relating to tax fraud investigations (other than alcohol and tobacco tax cases), investigations of charges against persons enrolled to practice before the Treasury Department and of applicants for enrollment, and of such other special investigations as the Commissioner may direct; review of reports submitted by special agents in his district.

6. *Assistant District Commissioner, Alcohol and Tobacco Tax.* Under District Commissioner is responsible, within the District, for the administration and enforcement of the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the Act of August 9, 1939, as it relates to firearms, the shipment of liquor in interstate commerce, and for the investigation of Bureau of Internal Revenue cases involving claims against the Government under the Federal Tort Claims Act. More specifically, is charged with the supervision and regulation of the liquor and tobacco industries; approval and denial of bonds, permits, plats and plans; the determination of liquor and tobacco taxes and penalties; and the investigation, detection, and prevention of violations of laws relating to alcoholic liquors, tobacco and firearms, including general supervision over the activities of all agents and employees engaged in the enforcement of such laws.

7. *Assistant District Commissioner, Appellate.* Under direct delegation from the Commissioner: (1) Exercises exclusive authority to determine the tax liability in Federal income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, and firearms), and employment tax cases originating in the office of a Director of Internal Revenue situated within the District and not docketed in The Tax Court of the United States, in which the taxpayer has protested the determination of tax liability made by the Director and has requested consideration by the Appellate Division; and (2) Exercises exclusive authority to settle, with the concurrence of Appellate Counsel, any case docketed in the Tax Court and calendared for hearing within the District: *Provided,* That he will not eliminate the ad valorem fraud or negligence penalty except with the concurrence of Appellate Counsel; act in any case in which criminal prosecution is under consideration; or modify any determination of an issue under section 722 except with concurrence of the Excess Profits Tax Council.

With respect to such taxes, exercises exclusive authority with respect to Closing Agreements for past years considered under section 3760 and rejections of Offers in Compromise involving tax liability in excess of $5,000 considered under section 3761. Insofar as the District is concerned, exercises final approval authority on acceptance of Offers in Compromise involving tax liability in excess of $5,000.

Signs on behalf of the Commissioner all statutory notices issued by the Appellate Division.

Exercises general supervision over all the appellate work of the District and is responsible for the coordination of all its appellate activities.

Furnishes the District Commissioner with information as to workload, case dispositions, personnel and space, equipment and supply needs. Furnishes the headquarters office at Washington with prescribed statistical data and any other information called for by the Assistant Commissioner, Operations, for use in supervising and coordinating the appellate activities of all the Districts.

EXHIBIT B

FUNCTIONS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE

1. *Director of Internal Revenue.* Responsible for the execution of established policies and procedures covering the assessment and collection of all Internal Revenue taxes; sale of revenue stamps, and the enforcement of all Internal Revenue laws and related statutes within the district; supervises and coordinates the work of the several field divisions and branch offices; responsible for the activities relating to personnel, training programs, information and office services; prepares budget estimates, controls funds for the district; and for the receipt of all types of tax returns and adequate service to the public. Such functions are hereinafter more particularly described and shall be performed through the heads of the following divisions to be established in his office.

2. *Administrative Division.* Responsible for supervision and coordination of: All activities relating to personnel, training, information, office services, communications (including teletype), requests for space and operating reports within the division.

3. *Collection Division.* Responsible for the receipt of all tax returns and funds tendered in payment of all taxes; the administration of all taxpayer's accounts, general accounting and the processing of returns; the preparation of the accounting documents required to effect the transfer of funds erroneously received and deposited; the direction, supervision and coordination of the activities of the division and field offices.

4. *Audit Division.* Responsible for the examination of all classes of tax returns (except alcohol and tobacco tax), the collection of delinquent accounts with all related duties and canvassing for delinquent returns.

5. *Intelligence Division.* Responsible for the investigation of tax fraud, enrollment, and other types of cases delegated to the Intelligence Division, and the preparation of prosecution and tax reports thereon; for operation of special racketeer tax drive and approval of all such cases for closing; and enforcement of the wagering tax law.

Makes appropriate recommendations covering prosecution, fraud penalty, and civil liability features of cases. Assists U. S. Attorneys in court trial cases.

Reviews reports submitted by special agents with a view to determining whether the special agent's report is complete and his recommendation is sound.

6. *Alcohol and Tobacco Tax Division.* Responsible for the investigation, prevention, and detection of violations of the Internal Revenue liquor and tobacco laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, the National and Federal Firearms Acts, the act of August 9, 1939, as it relates to firearms, and the regulations promulgated thereunder; the apprehension of violators against such laws and the submission of evidence adduced to U. S. Attorneys for criminal prosecution and to the District Commissioner's office for administrative action; the seizure, custody, forfeiture, and disposition of contraband or other property seized under the Internal Revenue liquor and tobacco laws, the National Firearms Act, and the act of August 9, 1939; the enforcement of the laws and regulations for the control of the flow of raw materials and containers used in the manufacture of distilled spirits; the investigation of Bureau of Internal Revenue cases involving possible claims against the United States under the Federal Tort Claims Act; and for the direction of the activities of investigators assigned to his district.

Acts as assigning officer for the District Commissioner's office in making assignments of scheduled plant and permit inspections and special inspections to inspectors having posts of duty in the district at other than the District Commissioner's office, and in detailing Storekeeper-gaugers to plants at which liquors are produced or stored, as directed by the District Commissioner's office.

[F. R. Doc. 52-5572; Filed, May 19, 1952; 8:55 a. m.]

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[Commissioner's Reorganization Order No. Chi-2]

DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE FOR THE CHICAGO DISTRICT

INTERIM DELEGATION OF AUTHORITY PENDING REORGANIZATION OF ADDITIONAL DISTRICT OFFICES

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. In addition to the authority delegated to the District Commissioner for the Chicago District by Commissioner's Reorganization Order No. Chi-1,[1] the District Commissioner for the Chicago District is hereby vested with general supervision over the operations of the following offices with respect to areas outside of the State of Illinois:

(a) The Chicago District Intelligence Division (comprised of the States of Illinois, Indiana, and Wisconsin);

(b) The Alcohol and Tobacco Tax Supervisory District No. 9 (comprised of the States of Illinois, Indiana, and Wisconsin);

(c) The Chicago District of the Appellate Division (comprised of the States of Illinois, Minnesota, North Dakota, South Dakota, and Wisconsin), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division).

2. Pending the issuance of further instructions, officers, agencies and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

3. This order shall be effective as of 12:01 a. m., May 20, 1952.

Dated: May 15, 1952.

[SEAL] JOHN B. DUNLAP,
*Commissioner.*

[F. R. Doc. 52-5573; Filed, May 19, 1952; 8:55 a. m.]

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## Office of the Secretary

CHIEF COUNSEL FOR BUREAU OF INTERNAL REVENUE

ASSIGNMENT AND DELEGATION OF AUTHORITY

The following order was issued by the General Counsel and approved by the

[1] For Commissioner's Reorganization Order No. Chi-1, see F. R. Doc. 52-5572, *supra.*

Secretary of the Treasury under date of May 8, 1952:

Pursuant to Reorganization Plan No. 1 of 1952, Reorganization Plan No. 26 of 1950, and section 3930 of the Internal Revenue Code, the Assistant General Counsel whose office was established by Reorganization Plan No. 1 of 1952 shall serve as chief counsel for the Bureau of Internal Revenue, and all the authority, duties, and functions pertaining to the Bureau of Internal Revenue set forth in Order Delegating Authority, dated September 21, 1937, as amended, are delegated to that Assistant General Counsel, effective upon the entrance on duty of the first incumbent of the position.

THOMAS J. LYNCH,
*General Counsel.*

Approved:

JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5610; Filed, May 19, 1952; 8:57 a. m.]

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[Treasury Department Order No. 150-1]

ASSISTANT GENERAL COUNSEL FOR BUREAU OF INTERNAL REVENUE

ABOLITION OF OFFICE

The following order was issued by the Secretary of the Treasury under date of May 8, 1952:

Pursuant to the provisions of section 1 of Reorganization Plan No. 1 of 1952, the office of Assistant General Counsel for the Bureau of Internal Revenue, provided for in section 3931 of the Internal Revenue Code, is abolished, effective upon the entrance on duty of the Assistant General Counsel appointed pursuant to section 2 (b) of Reorganization Plan No. 1 of 1952.

JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5611; Filed, May 19, 1952; 8:57 a. m.]

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[Treasury Department Order No. 150-2]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF GENERAL AUTHORITY OVER FUNCTIONS IN BUREAU OF INTERNAL REVENUE

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue, to the extent not heretofore transferred to him, the functions of all officers, employees, and agencies of the Bureau of Internal Revenue, except the functions of the Assistant General Counsel serving as chief counsel for the Bureau of Internal Revenue.

The functions herein transferred may be delegated by the Commissioner to subordinates in the Bureau of Internal Revenue in such manner as he shall from time to time direct.

This order shall become effective as of May 15, 1952.

Dated: May 15, 1952.

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5569; Filed, May 19, 1952; 8:55 a. m.]

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[Treasury Department Order No. 150-3]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF OFFICES OF COLLECTORS AND DEPUTY COLLECTORS OF ILLINOIS COLLECTION DISTRICTS; ESTABLISHMENT OF OFFICES OF DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the First and Eighth Collection Districts of Illinois shall become effective as of 12 o'clock midnight, May 19, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., May 20, 1952, there is hereby established within the State of Illinois, and for such State, an office of District Commissioner of Internal Revenue.

3. *Name and composition of District.* The District hereby created shall be known as the Chicago District and shall be comprised of the entire State of Illinois.

4. *Location of headquarters.* The headquarters office shall be located in the City of Chicago, Illinois.

5. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., May 20, 1952, there are hereby created the following offices within the Chicago District:

(a) Director of Internal Revenue for the First Collection District of Illinois (as presently constituted). Such office shall have the operating title of Director of Internal Revenue, Chicago.

(b) Director of Internal Revenue for the Eighth Collection District of Illinois (as presently constituted). Such office shall have the operating title of Director of Internal Revenue, Springfield.

Dated: May 15, 1952.

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 52-5570; Filed, May 19, 1952; 8:55 a. m.]

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## VETERANS' ADMINISTRATION

STATEMENT OF ORGANIZATION

The Veterans' Administration Statement of Organization (15 F. R. 7851, 16 F. R. 2450, and 16 F. R. 5029) is further amended as follows:

1. In section 1, paragraph (b) (2) is amended to read as follows:

SECTION 1. *General.* * * *

(b) *General description of organization.* * * *

(2) The Veterans' Administration is organizationally divided as follows: Central office, district offices, regional offices, hospitals, centers, domiciliaries, VA offices, supply depots, forms depots, records service center, and publications depot.

2. In section 2, paragraphs (f), (h), (i), (l), and (m) are amended to read as follows:

SEC. 2. *Central office.* * * *

(f) *Office of the assistant administrator for contact and administrative services*—(1) *Mission.* Formulates policies, plans, and procedures for the contact and administrative services of the Veterans' Administration; exercises direct supervision over activites under the immediate jurisdiction of the central office; and maintains staff supervision over counterpart activities located in field stations.

(2) *Major functions.* The office of the assistant administrator for contact and administrative services performs the following major functions:

(i) Administers the security information program within the Veterans' Administration and in this connection formulates policies, standards, and procedures for the transmission, handling, and safeguarding of official information in consonance with Executive Order 10290, dated September 24, 1951; maintains continuing staff supervision and appraisal of contact and administrative services activities at all operating locations.

(ii) Conducts a program concerned with furnishing advice and assistance to veterans, their beneficiaries and dependents at the central office and formulates policies, standards, and procedures for such activity at field stations.

(iii) Formulates policies, standards, and procedures for: (*a*) Receipt, disposition, and dispatch of mailable matter, (*b*) provision of messenger or courier service, (*c*) indexing and identification of applications for benefits and related material, (*d*) initial development of benefit claims including acquisition and consolidation of service or other evidentiary data from defense establishments or other sources, (*e*) custody, maintenance, and movement of veterans' records and centralized general administrative files, (*f*) segregation and physical disposition of records, (*g*) procurement of common carrier or other transportation for persons, (*h*) installation and use of machine records and accounting equipment, (*i*) procurement and utilization of electrical communicating equipment, and (*j*) provision of information reception service; maintains liaison with other agencies on records operations and procedures including the procurement and transfer of records to and from those agencies.

(iv) Formulates policies, standards, and procedures for the procurement or production, stockage, and distribution of printed and duplicated material, and the production, control, and distribution of graphic arts, exhibits, and visual aids; furnishes technical assistance in the operation of therapeutic printing plants; provides printing or duplicating and distribution services.

(v) Administers the records management program involving formulation of policies, standards, and procedures for the creation, classification, maintenance,

preservation, and disposition of Veterans' Administration records.

(vi) Performs general administrative services connected with those functions listed in subdivision (iii) (*a*) through (*j*) of this subparagraph, and those involving the supply of forms and publications to central office elements located in Washington.

(vii) Operates a records service center concerned with the maintenance, servicing, and administration of all Veterans' Administration records in its custody.

(3) *Organization.* The office of the assistant administrator for contact and administrative services consists of the executive assistant and such specialized and administrative personnel as may be determined by the assistant administrator for his immediate office and (i) the contact service, (ii) the administrative service, (iii) the publications service, (iv) the records management service, (v) the administrative operations service (Washington), and (vi) the records service center (Columbus).

* * * * *

(h) *Office of the assistant administrator for insurance*—(1) *Mission.* Formulates policies, plans, and procedures for the insurance program of the Veterans' Administration; exercise direct supervision over activities under immediate jurisdiction of the central office; and maintains supervision over activities located in district offices.

(2) *Major functions.* The office of the assistant administrator for insurance performs the following major functions:

(i) Administers all laws relating to insurance granted under the War Risk Insurance Act, as amended; the World War Veterans' Act, 1924, as amended; the National Service Life Insurance Act of 1940, as amended; article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and the amendments thereto; subsection 6 (d) of the Armed Forces Leave Act of 1946, the Servicemen's Indemnity and Insurance Act of 1951, and those provisions of the World War Adjusted Compensation Act applicable to the Veterans' Administration, excluding the loan provisions. Excepted from the foregoing functions is the adjudication of death claims and awarding or disallowing of death benefits.

(ii) Conducts studies of insurance experience and practices on a broad scale throughout the field of commercial life insurance as well as within the Government; and develops over-all policy in connection with the Government insurance program.

(iii) Formulates policies, standards, and procedures for granting or making changes in contracts for life and disability insurance.

(iv) Formulates policies, standards, and procedures for making determinations for total or total permanent disability for insurance purposes and awarding and terminating such benefits.

(v) Conducts actuarial functions and maintains necessary accounts and records.

(vi) Formulates policies, standards, and procedures for the collection and disposition of insurance premiums and the maintenance of insurance premium accounts.

(3) *Organization.* The office of the assistant administrator for insurance consists of such professional and administrative personnel as may be determined by the assistant administrator for his immediate office and (i) the underwriting service, (ii) the insurance accounts service, (iii) the disability insurance claims service, and (iv) the actuarial service.

(i) *Office of the assistant administrator for legislation*—(1) *Mission.* Administers generally all matter pertaining to proposed legislation, Executive orders, and proclamations affecting the Veterans' Administration, and performs all services relative to veterans affairs required by liaison maintained with Members of Congress and their secretarial staffs.

(2) *Major functions.* The office of the assistant administrator for legislation performs the following major functions:

(i) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the Veterans' Administration, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of reports concerning such matters to committees of Congress, the President, the Bureau of the Budget, and other executive agencies.

(ii) Develops and coordinates Veterans' Administration policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(iii) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(iv) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with Public Resolution 117, 74th Congress, June 20, 1936 (49 Stat. 1569), or as otherwise authorized; and pamphlets, résumés, releases, and documents pertaining to veterans legislation, as required.

(v) Maintains liaison with the Senate and House committees and contact activities in both Houses of Congress.

(vi) Maintains legislative historical records and service therefrom.

(3) *Organization.* The assistant administrator for legislation has jurisdiction over and is responsible to the Administrator for the proper conduct of the functions of the office of the assistant administrator for legislation which consists of the office of executive assistant for legislation, legislative projects service I, legislative projects service II, legislative projects service III, legislative projects service IV, legislative projects service V, and the congressional liaison service.

* * * * *

(l) *Office of the solicitor*—(1) *Mission.* As chief law officer of the Veterans' Administration, the solicitor advises the Administrator, assistant administrators, board of veterans appeals, and department of medicine and surgery, and their staffs on all questions of law; formulates policies and procedures as to all legal matters—including loan guaranty, and guardianship legal matters, and litigation—and directs professional aspects of legal activities located in field stations.

(2) *Major functions.* The office of the solicitor performs the following major functions:

(i) Renders legal advice on all matters within jurisdiction of Veterans' Administration; act with the Department of Justice in the conducting of insurance suits, actions arising under loan guaranty and education and training programs of the Servicemen's Readjustment Act of 1944, as amended, or involving Veterans' Administration officials; cooperates with the Department of Justice in other civil and in criminal actions in Federal courts; conducts litigation in State courts, as necessary; and makes final disposition of tort claims.

(ii) Formulates general policy and furnishes staff (professional) supervision over all guardianship and field examination functions of chief attorneys in the field stations.

(iii) Provides specialized legal service on loan guaranty and other matters, and supervises such service rendered by chief attorney's offices to operating services.

(3) *Organization.* The office of the solicitor consists of the deputy solicitor, executive office, legal service (general), legal service (loan guaranty), legal service (guardianship), and the legal service (litigation).

(m) *Office of the assistant administrator for special services*—(1) *Mission.* Formulates policies, plans, and procedures for the conduct of the various programs of special services, i. e., veterans canteen service, recreation service, chaplaincy service, library service, and voluntary service; exercises direct supervision over activities under immediate jurisdiction of the central office; and maintains staff supervision over activities located in field stations. Special services activities, which are part of the Veterans' Administration program for the care and treatment of hospitalized and domiciled veterans, are planned in coordination with the department of medicine and surgery and conducted by special services personnel for patients and members whose participation in such programs has been cleared or specified by appropriate officials of the department of medicine and surgery.

(2) *Major functions.* The office of the assistant administrator for special services performs the following major functions:

(i) Develops a program for a canteen service established by specific act of Congress (Pub. Law 636, 79th Cong. as amended) for the purpose of making available to hospitalized and domiciled veterans, at reasonable cost, items of merchandise and services essential to their comfort and well-being.

(ii) Develops a program of recreation activities such as motion pictures, music, social activities, arts and crafts, hospital newspapers, television, adapted sports, entertainment, and radio, to meet the interests, needs, and capabilities of all patients and members.

(iii) Develops a program of library activities for patients, members and staff to include a general library service for patients and members, a medical library service for the medical staff, and a gen-

eral reference library service for all Veterans' Administration staff members.

(iv) Develops a program of religious ministry which will serve the religious needs of patients and members.

(v) Develops a program for voluntary service in the Veterans' Administration. Coordinates and integrates the use of volunteer assistance in the Veterans' Administration with concerned Veterans' Administration Services and with the participating veterans' welfare and service organizations and individuals.

(vi) Develops and conducts programs for the orientation and training of special services personnel in collaboration with the office of the assistant administrator for personnel.

(vii) Develops policy relative to the acceptance of gifts and donations offered to the Veterans' Administration.

(viii) Allocates from that part of the general post fund balance which is controlled exclusively by central office on the basis of developed needs at hospitals and domiciliaries.

(ix) Formulates policies, plans, procedures, techniques, and standards of performance relative to guest quarters of the Veterans' Administration and exercises staff supervision over guest quarters at field stations.

(3) *Organization.* The office of the assistant administrator for special services consists of the executive assistant, management and planning staff, veterans canteen service, recreation service, fiscal and administrative service, chaplaincy service, library service, and the voluntary service.

* * * * *

3. In section 3, paragraphs (d) and (g) are amended to read as follows:

SEC. 3. *Field stations.* This term applies to Veterans' Administration installations located in the field, and includes the following: * * *

(d) *Center.* A Veterans' Administration center is an organizational element consisting of a combination of activities of two or more of the following Veterans' Administration field stations under jurisdiction of one manager: Regional office, hospital, or domiciliary.

* * * * *

(g) *Other field installations.* In addition to the installations referred to in paragraphs (a) to (f) of this section, there are a limited number of forms depots and supply depots, a records service center, and a publications depot.

4. Section 4 is revised to read as follows:

SEC. 4. *Addresses of Veterans' Administration installations and jurisdictional areas of district offices*—(a) *Addresses of Veterans' Administration installations.* This is a guide to the location of Veterans' Administration field stations in each State (also Alaska, Canal Zone, Hawaii, and Philippines), where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices and centers having regional office activities are listed, with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having managers are italicized.

| *Type of activity and location* | *Address* |
|---|---|
| **ALABAMA** | |
| Regional Office, Montgomery 4 | 400 Lee Street. |
| *VA Office, Birmingham 3* | 1724 Third Avenue, North. |
| VA Office, Decatur | 201 Gordon Drive. |
| VA Office, Gladsden | Post Office Building. |
| VA Office, Mobile 10 | 957 Springhill Avenue. |
| Hospital, Montgomery 10 | Perry Hill Road. |
| Hospital, Tuscaloosa | Veterans' Administration Hospital. |
| Hospital, Tuskegee | Do. |
| **ALASKA** | |
| Regional Office, Juneau | Goldstein Building. |
| VA Office, Anchorage | P. O. Box 1399, Federal Building. |
| VA Office, Fairbanks | P. O. Box 869, Federal Building. |
| VA Office, Ketchikan | P. O. Box 2621, Federal Building. |
| **ARIZONA** | |
| Regional Office, Phoenix | Ellis Building, 137 North Second Avenue. |
| VA Office, Tucson | Greenway Station. |
| VA Office, Yuma | First National Bank Building, 198 Main Street. |
| Hospital, Phoenix | P. O. Box 2260. |
| Hospital, Tucson | Veterans' Administration Hospital. |
| Center (Hospital and Domiciliary), Whipple | Veterans' Administration Center. |
| **ARKANSAS** | |
| Regional Office, Little Rock | 555 Building, 211 Broadway. |
| VA Office, Batesville | 136 West Main Street. |
| VA Office, El Dorado | Federal Building. |
| VA Office, Forrest City | Planters Bank Building. |
| VA Office, Fort Smith | Post Office Building. |
| VA Office, Harrison | Seville Hotel. |
| VA Office, Jonesboro | Jonesboro Clinic Building. |
| VA Office, Pine Bluff | 203½ West Fifth Street. |
| VA Office, Texarkana | P. O. Building, Fifth and State Line. |
| Hospital, Fayetteville | Veterans' Administration Hospital. |
| Hospital, Little Rock | 300 East Roosevelt Road. |
| Hospital, North Little Rock | Veterans' Administration Hospital. |
| **CALIFORNIA** | |
| Regional Office, Los Angeles 25 | Manager's Office: 1031 South Broadway; mail: 1380 South Sepulveda Boulevard. |
| VA Office, Bakersfield | 1100 Golden State Highway. |
| VA Office, Las Vegas, Nev | 18 Carson Street (P. O. Box 1751). |
| VA Office, Long Beach | Post Office Building, Third and American Avenue. |
| VA Office, Pasadena | 137 North Marengo Avenue. |
| VA Office, San Bernardino | 1120 North E Street. |
| VA Office, San Luis Obispo | 864 Santa Rosa Street (P. O. Box 207). |
| Regional Office, San Diego 12 | 325 B Street. Mail: P. O. Box 1111. |
| Regional Office, San Francisco 3 | 49 Fourth Street. |
| VA Office, Fresno 1 | 2109 Inyo Street. |
| *VA Office, Oakland 12* | 1305 Franklin Street. |
| VA Office, Sacramento 14 | 921 Tenth Street. |
| VA Office, San Jose 10 | 192 San Augustine Street. |
| VA Office, Stockton | 311 North El Dorado Street. |
| Hospital, Fresno | 2615 Clinton Avenue. |
| Hospital, Livermore | Veterans' Administration Hospital. |
| Hospital, Long Beach | 5901 Seventh Street. |
| Center (Hospital and Domiciliary), Los Angeles 25. | Sawtelle and Wilshire Boulevards. |
| Hospital, Oakland 12 | Thirteenth and Harrison Streets. |
| Hospital, Palo Alto | Veterans' Administration Hospital. |
| Hospital, San Fernando | Do. |
| Hospital, San Francisco 21 | Forty-second and Clement Streets. |
| **CANAL ZONE** | |
| Veterans' Administration Office, Balboa | Office: Room 118, Building 5142; mail: P. O. Box 3672. |
| **COLORADO** | |
| Regional Office, Denver | Denver Federal Center. |
| VA Office, Boulder | 1345 Spruce Street. |
| VA Office, Colorado Springs | 121 East Pikes Peak Avenue. |
| VA Office, Pueblo | Federal Building. |
| VA Office, Trinidad | 312 North Commercial Street. |
| District Office, Denver | Denver Federal Center. |
| Hospital, Denver 20 | 1055 Clermont Street. |
| Hospital, Fort Lyon | Veterans' Administration Hospital. |
| Hospital, Grand Junction | Do. |
| **CONNECTICUT** | |
| Regional Office, Hartford 4 | 95 Pearl Street. |
| *VA Office, Bridgeport 3* | 355 Fairfield Avenue. |
| VA Office, New Haven 11 | 294 Cedar Street. |
| VA Office, Waterbury 20 | 29 Field Street. |
| Hospital, Newington 11 | Veterans' Administration Hospital. |

| Type of activity and location | Address |
|---|---|
| **DELAWARE** | |
| Regional Office (no VA Offices), Wilmington. | Dravo Building. |
| Hospital, Wilmington | Veterans' Administration Hospital. |
| **DISTRICT OF COLUMBIA** | |
| Regional Office (no VA Offices), Washington 25. | 1825 H Street NW. |
| Hospital, Washington 7 | 2650 Wisconsin Avenue NW. |
| **FLORIDA** | |
| Regional Office, Miami 10 | 3300 Northeast Second Avenue; mail: P. O. Box 1791. |
| VA Office, Fort Lauderdale | Radio Center Building, 100 East Las Olas Boulevard. |
| VA Office, Fort Pierce | 118 Arcade Building. |
| VA Office, Key West | Post Office Building. |
| VA Office, West Palm Beach | 712 Comeau Building. |
| Regional Office, Pass-A-Grille Beach | P. O. Box 1437, St. Petersburg, Fla. |
| VA Office, Gainesville | Seagle Building, P. O. Box 639. |
| VA Office, Jacksonville 1 | Haverty Building, 317 Main Street. |
| VA Office, Lakeland | Marble Arcade Building. |
| VA Office, Marianna | Corner Estes and Lafayette Streets. |
| VA Office, Orlando | Old Post Office, 42 East Central Avenue. |
| VA Office, Pensacola | Carpenters Hall, 114 East Gregory Street. |
| VA Office, Tallahassee | Brinkley Building, 310 North Monroe Street. |
| VA Office, Tampa 2 | 314 East Harrison Street. |
| Center (Hospital and Domiciliary), Bay Pines. | Veterans' Administration Center. |
| Hospital, Coral Gables | Veterans' Administration Hospital. |
| Hospital, Lake City | Do. |
| **GEORGIA** | |
| Regional Office, Atlanta 3 | 105 Pryor Street NE. |
| VA Office, Albany | 221½ Broad Avenue. |
| VA Office, Athens | New Post Office Building. |
| VA Office, Augusta | 909 Greene Street. |
| VA Office, Brunswick | Carpenter's Building, 302½ Gloucester Street. |
| VA Office, Columbus | Doctor's Building, 1320 Broad Street. |
| VA Office, Macon | Jacques Building, 407 Broadway. |
| VA Office, Rome | West Building. |
| VA Office, Savannah | Blun Building, 35 Bull Street. |
| VA Office, Valdosta | McKey Building, 133 North Patterson Street. |
| District Office, Atlanta | 441–449 West Peachtree Street. |
| Hospital, Augusta | Veterans' Administration Hospital. |
| Hospital, Chamblee | Do. |
| Hospital, Dublin | Do. |
| Domiciliary, Thomasville | Veterans' Administration Domiciliary. |
| **HAWAII** | |
| Regional Office, Honolulu 1 | P. O. Box 3198. |
| VA Office, Hilo, Hawaii | P. O. Box 1779 (Post Office Building). |
| **IDAHO** | |
| Regional Office, Boise | 914 Jefferson Street. |
| VA Office, Coeur d'Alene | 214 Third Street. |
| VA Office, Idaho Falls | Post Office Building. |
| VA Office, Moscow | 210½ South Main Street. |
| VA Office, Pocatello | 252 North Main Street. |
| VA Office, Twin Falls | 249 Main Avenue East. |
| Hospital, Boise | Veterans' Administration Hospital. |

| Type of activity and location | Address |
|---|---|
| **ILLINOIS** | |
| Regional Office, Chicago 6 | 366 West Adams Street. |
| VA Office, Champaign | 212 North Walnut Street. |
| VA Office, East St. Louis | 435 Missouri Avenue. |
| VA Office, Gary, Ind | Gerometta Building, 301 East Fifth Avenue. |
| VA Office, Moline | 417 Seventeenth Street. |
| VA Office, Peoria | 517 Fulton Street. |
| VA Office, Rockford | 301–305 South Main Street. |
| VA Office, Springfield | 400–410 East Monroe Street. |
| Hospital, Danville | Veterans' Administration Hospital. |
| Hospital, Downey | Do. |
| Hospital, Dwight | Do. |
| Hospital, Hines | Do. |
| Hospital, Marion | Do. |
| **INDIANA** | |
| Regional Office, Indianapolis 9 | 36 South Pennsylvania Street. |
| VA Office, Bloomington | 102½ West Sixth Street. |
| VA Office, Evansville | 206 Main Street. |
| VA Office, Fort Wayne 2 | 220 East Jefferson Street. |
| VA Office, Muncie | 404½ East Main Street. |
| VA Office, New Albany | 202½ East Market Street. |
| VA Office, South Bend 2 | 224 West Jefferson Boulevard. |
| VA Office, Terre Haute | 120 South Seventh Street. |
| VA Office, Lafayette | Hook Building, 603 Main Street. |
| Under Chicago, Ill., Regional Office: VA Office, Gary. | |
| Hospital, Fort Wayne 3 | 1600 Randalia Drive. |
| Hospital, Indianapolis 16 | Fort Benjamin Harrison. |
| Hospital, Indianapolis 7 | 1481 West Tenth Street. |
| Hospital, Marion | Veterans' Administration Hospital. |
| **IOWA** | |
| Center (Regional Office and Hospital), Des Moines 9. | Veterans' Administration Center. |
| VA Office, Cedar Rapids | 319 Third Street SE. |
| VA Office, Davenport | Union Arcade, 111 East Third Street. |
| VA Office, Dubuque | Bank and Insurance Building. |
| VA Office, Fort Dodge | Snell Building, 803 Central Avenue. |
| VA Office, Iowa City | Veterans' Administration Hospital. |
| VA Office, Mason City | Post Office Building. |
| VA Office, Ottumwa | 302 East Main Street. |
| VA Office, Sioux City 1 | Post Office Building. |
| VA Office, Waterloo | East Park Avenue and Mulberry Street. |
| Hospital, Iowa City | Veterans' Administration Hospital. |
| Hospital, Knoxville | Do. |
| Domiciliary, Clinton | Veterans' Administration Domiciliary. |
| **KANSAS** | |
| Center (Regional Office and Hospital), Wichita 8. | Kellog at Blekley Drive. |
| VA Office, Hutchinson | Post Office Building. |
| VA Office, Pittsburg | City Auditorium, Fifth and Pine Streets. |
| VA Office, Topeka | 3701–3709 West Twenty-first Street. |
| Under Kansas City, Mo., Regional Office: VA Office, Horton. | |
| Center (Hospital and Domiciliary), Wadsworth (within Kansas City, Mo., Regional Office territory). | Veterans' Administration Center. |
| Hospital, Topeka | Veterans' Administration Hospital. |

KENTUCKY

| Type of activity and location | Address |
|---|---|
| Regional Office, Louisville 3 | 1405 West Broadway. |
| VA Office, Ashland | 1617 Greenup Avenue. |
| VA Office, Bowling Green | Courthouse, 401 Tenth Street. |
| VA Office, Corbin | 103½ North Main Street. |
| VA Office, Covington | City Building, Third and Court Streets. |
| VA Office, Harlan | Post Office Building. |
| VA Office, Hazard | Chamber of Commerce Building. |
| VA Office, Lexington | 115 South Spring Street. |
| Hospital, Fort Thomas | Veterans' Administration Hospital. |
| Hospital, Lexington | Do. |
| Hospital, Louisville 2 | Mellwood and Zorn Avenue. |
| Hospital, Outwood | Veterans' Administration Hospital. |

LOUISIANA

| | |
|---|---|
| Regional Office, New Orleans 13 | 2026 St. Charles Avenue. |
| VA Office, Baton Rouge 2 | Triad Building, Third and Florida Streets. |
| VA Office, Hammond | City Hall. |
| VA Office, Houma | Terrebonne Parish Courthouse. |
| VA Office, Lafayette | 515 South Buchanan Street. |
| VA Office, Lake Charles | 921½ Ryan Street. |
| Center (Regional Office and Hospital), Shreveport 12. | 510 East Stoner Avenue. |
| VA Office, Monroe | 136 South Grand Street. |
| Hospital, Alexandria | Veterans' Administration Hospital. |
| Hospital, New Orleans 12 | Do. |

MAINE

| | |
|---|---|
| Center (Regional Office and Hospital), Togus. | Veterans' Administration Center. |
| VA Office, Bangor | General Electric Building, 115 Franklin Street. |
| VA Office, Portland | 171 Middle Street. |

MARYLAND

| | |
|---|---|
| Regional Office, Baltimore 2 | St. Paul and Fayette Streets. |
| VA Office, Annapolis | Post Office Building. |
| VA Office, Cumberland | Post Office Building, Pershing Street. |
| VA Office, Hagerstown | City Hall, North Potomac and Franklin Streets. |
| Hospital, Fort Howard | Veterans' Administration Hospital. |
| Hospital, Perry Point | Do. |

MASSACHUSETTS

| | |
|---|---|
| Regional Office, Boston 8 | 1 Beacon Street. |
| VA Office, Brockton | 37 Belmont Street. |
| VA Office, Cambridge | 57 Inman Street. |
| VA Office, Chelsea | City Hall. |
| VA Office, Fitchburg | 280 Main Street. |
| VA Office, Greenfield | Post Office Building. |
| VA Office, Holyoke | War Memorial Building. |
| VA Office, Lawrence | 477 Essex Street. |
| VA Office, Lowell | Old Post Office, 89 Appleton Street. |
| VA Office, Lynn | Item Building, 38 Exchange Street. |
| VA Office, Malden | City Hall Annex, Perry Street. |
| VA Office, North Adams | 85 Main Street. |
| VA Office, Pittsfield | 246 North Street. |
| VA Office, Quincy | Chamber of Commerce Building, 18 Washington Street. |
| VA Office, Salem | 126 Washington Street. |
| VA Office, Somerville | Post Office Building, Union Square. |
| VA Office, Springfield | 1200 Main Street. |
| VA Office, Worcester 8 | 7 Chatham Street. |
| Under Providence, R. I., Regional Office: | |
| VA Office, Fall River. | |
| VA Office, New Bedford. | |

MASSACHUSETTS—Continued

| Type of activity and location | Address |
|---|---|
| Hospital, Bedford | Veterans' Administration Hospital. |
| Hospital, Framingham | Do. |
| Hospital, Northampton | Do. |
| Hospital, Rutland Heights | Do. |
| Hospital, West Roxbury 32 | Do. |

MICHIGAN

| | |
|---|---|
| Regional Office, Detroit 32 | 310 East Jefferson. |
| VA Office, Flint 3 | 432 North Saginaw Street. |
| VA Office, Grand Rapids 2 | Goodspeed Building, 190 Monroe Avenue NW. |
| VA Office, Lansing 2 | 411 West Michigan Avenue. |
| VA Office, Sault Sainte Marie | Post Office Building, East Portage Avenue. |
| Hospital, Dearborn | Veterans' Administration Hospital. |
| Hospital, Fort Custer | Do. |
| Hospital, Iron Mountain | Do. |
| Hospital, Saginaw | 1500 Weiss Street. |

MINNESOTA

| | |
|---|---|
| Regional Office, St. Paul 11 | Fort Snelling. |
| VA Office, Duluth 2 | Post Office Building. |
| District Office, St. Paul 11 | Fort Snelling. |
| Hospital, Minneapolis 17 | Fifty-fourth Street and Forty-eighth Avenue South. |
| Hospital, St. Cloud | Veterans' Administration Hospital. |

MISSISSIPPI

| | |
|---|---|
| Center (Regional Office and Hospital), Jackson. | Veterans' Administration Center. |
| VA Office, Gulfport | American Legion Building, Thirteenth Street and Twenty-sixth Avenue. |
| VA Office, Meridian | 814–818 Twenty-second Avenue. |
| VA Office, Tupelo | 409 South Spring Street. |
| Center (Hospital and Domiciliary), Biloxi | Veterans' Administration Center. |
| Hospital, Gulfport | Veterans' Administration Hospital. |

MISSOURI

| | |
|---|---|
| Regional Office, Kansas City 8 | 1828 Walnut Street. |
| VA Office, Horton, Kans. | 115 East Tenth Street. |
| VA Office, Joplin | 223 West Third Street. |
| VA Office, St. Joseph | Post Office Building, Eighth and Edmond Street. |
| VA Office, Sedalia | 208 South Lamine Street. |
| VA Office, Springfield | Wilhoit Building, Pershing and Jefferson Streets. |
| Regional Office, St. Louis 2 | 415 Pine Street. |
| Hospital, Excelsior Springs | Veterans' Administration Hospital. |
| Hospital, Jefferson Barracks 23 | Do. |
| Hospital, Poplar Bluff | Do. |
| Hospital, Springfield | Do. |

MONTANA

| | |
|---|---|
| Center (Regional Office and Hospital), Fort Harrison. | Veterans' Administration Center. |
| VA Office, Billings | 2722 Third Avenue North. |
| VA Office, Butte | Owsley Building, Park and Main Streets. |
| VA Office, Great Falls | Mail: P. O. Box 1788, Civic Center Building, Central and Park Drive. |
| VA Office, Missoula | Federal Building, East Broadway and Pattie. |
| Hospital, Miles City | Veterans' Administration Hospital. |

NEBRASKA

| | |
|---|---|
| Regional Office, Lincoln 1 | Veterans Building, Twelfth and "O" Streets. |
| VA Office, Omaha | Federal Office Building, Fifteenth and Dodge Streets. |

NEBRASKA—Continued

| Type of activity and location | Address |
|---|---|
| Hospital, Grand Island | Veterans' Administration Hospital. |
| Hospital, Lincoln 1 | Do. |
| Hospital, Omaha 5 | 4101 Woolworth Avenue. |

NEVADA

| | |
|---|---|
| Center (Regional Office and Hospital), Reno. | Veterans' Administration Center. |
| Under Los Angeles, Calif., Regional Office: | |
| VA Office, Las Vegas. | |

NEW HAMPSHIRE

| | |
|---|---|
| Regional Office, Manchester | 497 Silver Street. |
| VA Office, Berlin | County Courthouse. |
| VA Office, Dover | 125 Washington Street. |
| VA Office, Keene | 15 Court Street. |
| VA Office, Laconia | Forestry Building, Main Street. |
| VA Office, Portsmouth | Post Office Building, Pleasant Street. |
| Hospital, Manchester | Smyth Road. |

NEW JERSEY

| | |
|---|---|
| Regional Office, Newark 2 | 20 Washington Place. |
| VA Office, Atlantic City | Old Post Office Building, Pacific and Pennsylvania Avenue. |
| VA Office, Camden | Broadway Stevens Building, 300 Broadway. |
| VA Office, Jersey City | 880 Bergen Avenue. |
| VA Office, New Brunswick | 47 Paterson Street. |
| VA Office, Paterson | Post Office Building. |
| VA Office, Red Bank | 12 Broad Street. |
| VA Office, Trenton | 200 East State Street. |
| Hospital, Lyons | Veterans' Administration Hospital. |

NEW MEXICO

| | |
|---|---|
| Regional Office, Albuquerque | Tijeras Avenue and Eleventh Street. |
| VA Office, Carlsbad | County Courthouse. |
| VA Office, Clovis | City Hall. |
| VA Office, Gallup | Post Office Building. |
| VA Office, Las Cruces | Stern Building, 223 North Main Street. |
| VA Office, Las Vegas | Post Office Building. |
| VA Office, Santa Fe | U. S. Courthouse, Federal Place. |
| Hospital, Albuquerque | Veterans' Administration Hospital. |
| Hospital, Fort Bayard | Do. |

NEW YORK

| | |
|---|---|
| Regional Office, Albany 1 | Watervliet Arsenal. |
| VA Office, Glens Falls | 45 Ridge Street. |
| VA Office, Kingston | 286 Fair Street. |
| VA Office, Plattsburg | 13 City Hall Place. |
| VA Office, Poughkeepsie | 13 Washington Street. |
| VA Office, Schenectady | Lorraine Building, 501–505 State Street. |
| Regional Office, Brooklyn 5 | 35 Ryerson Street. |
| Regional Office, Buffalo 3 | 1021 Main Street. |
| VA Office, Niagara Falls | 42 Falls Street. |
| *VA Office, Rochester* | 39 State Street. |
| Regional Office, New York City 1 | 252 Seventh Avenue. |
| VA Office, Jamaica, Long Island | 89–09 Sutphin Boulevard. |
| VA Office, Middletown | City Hall, 16 James Street. |
| VA Office, Mineola, Long Island | Old Nassau County Courthouse. |
| VA Office, Newburgh | Post Office Building. |
| VA Office, St. George, Staten Island | 36 Richmond Terrace. |
| VA Office, White Plains | County Office Building. |
| Regional Office, Syracuse 2 | Chimes Building, 500 South Saline Street. |
| VA Office, Binghamton | 64 Henry Street. |
| VA Office, Utica 2 | 110 Genessee Street. |
| VA Office, Watertown | Post Office, 163 Arsenal Street. |

NEW YORK—Continued

| Type of activity and location | Address |
|---|---|
| Hospital, Albany | Veterans' Administration Hospital. |
| Hospital, Batavia | Do. |
| Center (Hospital and Domiciliary), Bath | Veterans' Administration Center. |
| Hospital, Bronx 68 | 130 West Kingsbridge Road. |
| Hospital, Brooklyn 9 | Veterans' Administration Hospital. |
| Hospital, Buffalo 15 | 3495 Bailey Avenue. |
| Hospital, Canandaigua | Veterans' Administration Hospital. |
| Hospital, Castle Point | Do. |
| Hospital, Montrose | Do. |
| Hospital, Northport, Long Island | Do. |
| Hospital, Sunmount | Do. |

NORTH CAROLINA

| | |
|---|---|
| Regional Office, Winston-Salem | 310 West Fourth Street. |
| VA Office, Asheville | Room 421, City Building. |
| VA Office, Charlotte 2 | 127 West Seventh Street. |
| VA Office, Durham | 302 Morris Street. |
| VA Office, Gastonia | 205 West Main Avenue. |
| VA Office, Goldsboro | Borden Building. |
| VA Office, New Bern | Post Office Building. |
| VA Office, Raleigh | 1109 Capital Club Building. |
| VA Office, Salisbury | Post Office Building. |
| VA Office, Wilmington | Room 402, Insurance Building, Second and Princess Streets. |
| Hospital, Fayetteville | Veterans' Administration Hospital. |
| Hospital, Oteen (includes Division at Swannanoa). | Do. |

NORTH DAKOTA

| | |
|---|---|
| Center (Regional Office and Hospital), Fargo. | Veterans' Administration Center. |
| VA Office, Bismarck | Federal Building. |
| VA Office, Grand Forks | 102 North Fourth Street. |
| Hospital, Minot | Veterans' Administration Hospital. |

OHIO

| | |
|---|---|
| Regional Office, Cincinnati 2 | 209 East Sixth Street. |
| VA Office, Athens | 6½ West State Street. |
| VA Office, Cambridge | 118½ North Ninth Street. |
| VA Office, Columbus 8 | 52 Starling Street. |
| VA Office, Dayton 2 | 11 West Monument Street. |
| VA Office, Hamilton | 152 High Street. |
| VA Office, Ironton | 411 Center Street. |
| VA Office, Marietta | 218½ Putnam Street. |
| VA Office, Portsmouth | Post Office Building, 610 Gay Street. |
| VA Office, Springfield | McAdams Building, 31 East High Street. |
| VA Office, Zanesville | 406 Market Street. |
| Regional Office, Cleveland 14 | Cuyahoga Building. |
| VA Office, Akron | 72–76 South High Street. |
| VA Office, Canton 2 | 117 Walnut Avenue, NE. |
| VA Office, Lorain | Broadway Building, 305 Broadway Avenue. |
| VA Office, New Philadelphia | 152 North Broadway. |
| VA Office, Steubenville | 224 North Fifth Street. |
| VA Office, Toledo 4 | 604 Jackson Street. |
| VA Office, Warren | Post Office Building. |
| VA Office, Youngstown 3 | Union National Bank Building, 6 West Federal Street. |
| Hospital, Brecksville | Veterans' Administration Hospital. |
| Hospital, Chillicothe | Do. |
| Hospital, Cleveland 29 | 7300 York Road. |
| Center (Hospital and Domiciliary), Dayton. | Veterans' Administration Center. |

OKLAHOMA

| Type of activity and location | Address |
|---|---|
| Regional Office, Muskogee | Second and Court Streets. |
| VA Office, Bartlesville | Post Office Building. |
| VA Office, Hugo | Do. |
| VA Office, McAlester | Do. |
| VA Office, Tulsa 3 | 16 East Second Street. |
| Regional Office, Oklahoma City | 1101 North Broadway. |
| VA Office, Ada | Federal Building, 131 East Twelfth Street. |
| VA Office, Ardmore | Federal Building. |
| VA Office, Clinton | Calmez Hotel. |
| VA Office, Enid | Federal Building, 105 West Broadway. |
| VA Office, Lawton | Federal Building, P. O. Box 1185. |
| VA Office, Ponca City | 213 Federal Building. |
| VA Office, Shawnee | 107 North Broadway. |
| Hospital, Muskogee | Memorial Station, Honor Heights Drive. |
| Hospital, Oklahoma City | Will Rogers Field. |

OREGON

| | |
|---|---|
| Regional Office, Portland 4 | 208 Southwest Fifth Avenue. |
| VA Office, Corvallis | 129 North Fourth Street. |
| VA Office, Eugene | 610 Willamette Street. |
| VA Office, Medford | 33 North Riverside Avenue. |
| Domiciliary, Camp White | Veterans' Administration Domiciliary. |
| Hospital, Portland 7 | Sam Jackson Park. |
| Hospital, Roseburg | Veterans' Administration Hospital. |

PENNSYLVANIA

| | |
|---|---|
| Regional Office, Philadelphia 2 | 128 North Broad Street. |
| VA Office, Allentown | 1122 Hamilton Street. |
| VA Office, Reading | 538 Court Street. |
| Regional Office, Pittsburgh 22 | 107 Sixth Street. |
| VA Office, Altoona | Crist Building, 1114 Twelfth Street. |
| VA Office, Erie | Baldwin Building, 1005 State Street. |
| VA Office, Johnstown | Old Post Office Building, Market and Locust Streets. |
| VA Office, Kittanning | 201 North Jefferson Street. |
| VA Office, Meadville | Post Office Building, 296 Chestnut Street. |
| VA Office, New Castle | 223 East Washington Street. |
| VA Office, Oil City | 232–236 Seneca Street. |
| VA Office, Uniontown | Union Trust Building, 37 Main Street. |
| VA Office, Wheeling, W. Va | Methodist Building, Eleventh and Chapline Streets. |
| Regional Office, Wilkes-Barre | 19–27 North Main Street. |
| VA Office, Harrisburg | 229 Walnut Street. |
| VA Office, Lancaster | 250 West Orange Street. |
| VA Office, Pottsville | Thompson Building, 23–27 North Centre Street. |
| VA Office, Scranton 3 | Select Building, 116–18 North Washington Avenue. |
| VA Office, Shamokin | 24 South Market Street. |
| VA Office, Williamsport | 153 West Fourth Street. |
| VA Office, York | 60 South Beaver Street. |
| District Office, Philadelphia 1 | 5000 Wissahickon Avenue; mail: P. O. Box 8097. |
| Hospital, Altoona | Veterans' Administration Hospital. |
| Hospital, Aspinwall 15 | Do. |
| Hospital, Butler | Do. |
| Hospital, Coatesville | Do. |
| Hospital, Erie 5 | 135 East Thirty-eighth Street Boulevard. |
| Hospital, Lebanon | Vetefans' Administration Hospital. |
| Hospital, Wilkes-Barre | East End Boulevard. |

PHILIPPINES

| | |
|---|---|
| Regional Office, Manila | APO 928, care Postmaster, San Francisco, Calif. |
| VA Office, Bacolod City, Occidental Negros. | General Delivery. |
| VA Office, Cebu City, Cebu | Mercedes Building, Juan Luna Sanciangko Street. |
| VA Office, Dagupan City, Pangasinan | City Hall. |

PHILIPPINES—Continued

| Type of activity and location | Address |
|---|---|
| Regional Office, Manila | APO 928, care Postmaster, San Francisco, Calif. |
| VA Office, Iloilo City, Iloilo | Customs Building. |
| VA Office, Naga City, Camarines Sur | Capitol Building. |

PUERTO RICO

(Including the Virgin Islands)

| | |
|---|---|
| Center (Regional Office and Hospital), San Juan. | Regional Office: Veterans' Administration Building, 520 Ponce de Leon Avenue, Stop 8; Puerta de Tierra Hospital: San Patricio. Mail: Post Office Box 4424. |
| VA Office, Arecibo | 55 De Diego Street. |
| VA Office, Caguas | Aldrich Building, Munoz Rivera and Goyco Street. |
| VA Office, Cayey | 45 Santiago Palmer Street. |
| VA Office, Humacao | 1 Font Martelo Street. |
| VA Office, Mayaguez | Post Office Building. |
| VA Office, Ponce | Post Office Building, Atocha Street. |

RHODE ISLAND

| | |
|---|---|
| Regional Office, Providence 3 | 100 Fountain Street. |
| VA Office, Fall River, Mass | 146 North Main Street. |
| VA Office, New Bedford, Mass | 757 Pleasant Street. |
| Hospital, Providence 8 | Davis Park. |

SOUTH CAROLINA

| | |
|---|---|
| Regional Office, Columbia | 1801 Assembly Street. |
| VA Office, Charleston 10 | The Old Citadel Building. |
| VA Office, Greenville | 19 East North Street. |
| VA Office, Orangeburg | 370 St. Paul Street NE. |
| VA Office, Spartanburg | 187 North Church Street. |
| Hospital, Columbia | Veterans' Administration Hospital. |

SOUTH DAKOTA

| | |
|---|---|
| Center (Regional Office and Hospital), Sioux Falls. | Veterans' Administration Center. |
| VA Office, Rapid City | 414 Seventh Street. |
| Hospital, Fort Meade | Veterans' Administration Hospital. |
| Center (Hospital and Domiciliary), Hot Springs. | Veterans' Administration Center. |

TENNESSEE

| | |
|---|---|
| Regional Office, Nashville 5 | White Bridge Road. |
| VA Office, Chattanooga 2 | Dome Building, 738 Georgia Avenue. |
| VA Office, Knoxville 2 | 618 West Church Avenue. |
| VA Office, Memphis | 32 South Second Street. |
| Hospital, Memphis 4 | 1025 E. H. Crump Boulevard. |
| Hospital, Memphis 15 | Park Avenue and Getwell Street. |
| Hospital, Murfreesboro | Veterans' Administration Hospital. |
| Center (Hospital and Domiciliary), Mountain Home. | Veterans' Administration Center. |
| Hospital, Nashville 5 | White Bridge Road. |

TEXAS

| | |
|---|---|
| Regional Office, Dallas | 912 South Ervay Street. |
| VA Office, Fort Worth | Texas and Pacific Building. |
| VA Office, Longview | 204 First National Bank Building. |
| VA Office, Marshall | Mahon Building. |
| VA Office, Wichita Falls | Federal Building, Lamar at Tenth Streets. |
| Regional Office, Houston 4 | 2320 La Branch Street. |
| VA Office, Beaumont | 450 Tevis Street. |
| VA Office, Brenham | County Courthouse, 105 East Main Street. |
| VA Office, Galveston | Post Office Building. |
| VA Office, Huntsville | 1033 Twelfth Street, P. O. Box 912. |
| VA Office, Lufkin | 318 Perry Building. |

TEXAS—Continued

| Type of activity and location | Address |
|---|---|
| Regional Office, Lubbock | 1612-20 Nineteenth Street. |
| VA Office, Abilene | 104 Pine Street. |
| VA Office, Amarillo | Barfield Building. |
| VA Office, Childress | County Courthouse. |
| VA Office, El Paso | 102 South El Paso Street. |
| VA Office, Odessa | County Courthouse. |
| VA Office, San Angelo | 201 Rust Building. |
| Regional Office, San Antonio 5 | 307 Dwyer Avenue. |
| VA Office, Brownsville | 852 South East Levee Street. |
| VA Office, Corpus Christi | 303 Mesquite Street. |
| VA Office, Del Rio | Post Office Building. |
| VA Office, Harlingen | Do. |
| VA Office, Laredo | Do. |
| VA Office, Victoria | Federal Building. |
| Center (Regional Office and Hospital), Waco. | Veterans' Administration Center. |
| VA Office, Austin | 900 Lavaca Street. |
| VA Office, Brownwood | 200 East Baker Street. |
| VA Office, Corsicana | State National Bank Building, 101 North Beaton Street. |
| VA Office, Palestine | Post Office Building. |
| VA Office, Temple | Federal Building, North First and Adams Streets. |
| District Office, Dallas 2 | 1114 Commerce Street. |
| Hospital, Amarillo | Veterans' Administration Hospital. |
| Hospital, Big Spring | Do. |
| Center (Hospital and Domiciliary), Bonham. | Veterans' Administration Center. |
| Hospital, Dallas 2 | Veterans' Administration Hospital. |
| Hospital, Houston 31 | 2002 Holcombe Boulevard. |
| Hospital, Kerrville (Legion Branch) | Veterans' Administration Hospital. |
| Hospital, Marlin | Do. |
| Hospital, McKinney | Do. |
| Center (Hospital and Domiciliary), Temple. | Veterans' Administration Center. |

UTAH

| | |
|---|---|
| Regional Office, Salt Lake City 4 | 1750 South Redwood Road. |
| VA Office, Ogden | Post Office Building, Twenty-fourth Street and Grant Avenue. |
| VA Office, Provo | 32 West Center Street. |
| Hospital, Salt Lake City 3 | Twelfth Avenue and E Street. |

VERMONT

| | |
|---|---|
| Center (Regional Office and Hospital), White River Junction. | Veterans' Administration Center. |
| VA Office, Burlington | 86 St. Paul Street. |

VIRGINIA

| | |
|---|---|
| Regional Office, Roanoke 11 | 211 West Campbell Avenue. |
| VA Office, Danville | Post Office Building. |
| VA Office, Lynchburg | Do. |
| VA Office, Newport News | 2710 Huntington Avenue. |
| VA Office, Norfolk | Post Office Building. |
| VA Office, Richmond 20 | 900 North Lombardy Street. |
| Center (Hospital and Domiciliary), Kecoughtan. | Veterans' Administration Center. |
| Hospital, Richmond 19 | Broad Rock Avenue and South Boulevard. |
| Hospital, Roanoke 17 | Veterans' Administration Hospital. |

WASHINGTON

| Type of activity and location | Address |
|---|---|
| Regional Office, Seattle 1 | Tower Building, Seventh Avenue and Olive Way. |
| VA Office, Bellingham | Clover Building, West Holly Street. |
| VA Office, Everett | Pobes Building, 1806½ Hewitt Avenue. |
| VA Office, Richland | 329 Cullum Street. |
| VA Office, Spokane 8 | Hutton Building, Sprague and Washington Streets. |
| VA Office, Tacoma | Jones Building, 909 Broadway. |
| VA Office, Vancouver | Ford Building, Sixth and Main Streets. |
| VA Office, Wenatchee | Chelan County Courthouse. |
| VA Office, Yakima | 206½ East Yakima Avenue. |
| Hospital, American Lake | Veterans' Administration Hospital. |
| Hospital, Seattle 8 | 4435 Beacon Avenue. |
| Hospital, Spokane 12 | North 4815 Assembly. |
| Hospital, Vancouver | Veterans' Administration Hospital. |
| Hospital, Walla Walla | Do. |

WEST VIRGINIA

| | |
|---|---|
| Regional Office, Huntington 1 | 824 Fifth Avenue. |
| VA Office, Beckley | 104 McCreery Street. |
| VA Office, Bluefield | 318 Federal Street. |
| VA Office, Charleston 1 | U. S. Courthouse. |
| VA Office, Clarksburg | 227 West Pike Street. |
| VA Office, Martinsburg | Boyd Building, 202 South Queen Street. |
| VA Office, Morgantown | 223 Fayette Street. |
| VA Office, Parkersburg | 221 Fourth Street. |
| Under Pittsburgh, Pa., Regional Office: VA Office, Wheeling. | |
| Hospital, Beckley | Veterans' Administration Hospital. |
| Hospital, Clarksburg | Do. |
| Hospital, Huntington 1 | 1540 Spring Valley Drive. |
| Center (Hospital and Domiciliary), Martinsburg. | Veterans' Administration Center. |

WISCONSIN

| | |
|---|---|
| Regional Office, Milwaukee 2 | 342 North Water Street. |
| VA Office, Ashland | 209 Vaughn Avenue. |
| VA Office, Eau Claire | 112 East Grand Avenue. |
| VA Office, Green Bay | 311 South Adams Street. |
| VA Office, La Crosse | Sixth and Vine Streets. |
| VA Office, Madison 5 | 905 University Avenue. |
| VA Office, Racine | Arcade Building, 423 Main Street. |
| VA Office, Superior | Post Office Building. |
| VA Office, Wausau | Courthouse Annex, Fourth and Scott Streets. |
| Hospital, Madison | Veterans' Administration Hospital. |
| Hospital, Tomah | Do. |
| Hospital, Waukesha | Do. |
| Center (Hospital and Domiciliary), Wood | Veterans' Administration Center. |

WYOMING

| | |
|---|---|
| Center (Regional Office and Hospital), Cheyenne. | Veterans' Administration Center. |
| VA Office, Casper | 140–150 East Midwest Avenue. |
| Hospital, Sheridan | Veterans' Administration Hospital. |

(b) Jurisdictional areas of district offices (see sec. 3 (a) for district office functions):

| Location and Area |
|---|
| Atlanta, Ga.: Alabama, Florida, Georgia, South Carolina, and Tennessee. |
| Dallas, Tex.: Louisiana, Mississippi, and Texas. |
| Denver, Colo.: Arizona, Arkansas, California, Colorado, Hawaii, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Utah, and Wyoming. |

Philadelphia, Pa.: Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hapmshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico (including Virgin Islands), Rhode Island, Vermont, Virginia, and West Virginia.

St. Paul 11, Minn.: Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

[SEAL] O. W. CLARK,
*Deputy Administrator.*

[F. R. Doc. 52-5489; Filed, May 19, 1952; 8:46 a. m.]

# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LANDS FOR USE AS ADMINISTRATIVE SITES[1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

MAY 13, 1952.

[F. R. Doc. 52-5514; Filed, May 19, 1952; 8:46 a. m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

READING CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Reading Company and Waterman Steamship Corporation:

Agreement No. 7848 between the above named companies provides for the granting of preferential right to Waterman for use of Piers "A" and "C" at Port Richmond Terminal, Philadelphia, for a ten (10) year period.

Agreement No. 7848-1 amends Agreement No. 7848, described above, by clarification of certain specific provisions.

Compagnie Martime Belge, S. A. and Compagnie Maritime Congolaise, S. C. R. L., and the member lines of the South Africa/U. S. A. Conference:

Agreement No. 3579-A between the above named companies, hereinafter called the Belgium Lines, and said Conference Members provides for the admission of the Belgian Lines to full conference membership as to the trade from British East African ports of Mombasa, Tanga, Dar es Salaam and Zanzibar to United States Atlantic and Gulf ports from Portland, Maine to Galveston, Texas, both inclusive. The Belgian Lines shall have but one vote which is restricted to affairs as concerns the aforementioned trade. Conference Agreement No. 3579 covers traffic from ports in East, South, Southwest and West Africa (from Mombasa to Lobito, both inclusive) and including the Islands of Madagascar, Reunion and Mauritius to United States ports from Galveston, Texas to Portland, Maine.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 15, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
*Assistant Secretary.*

[F. R. Doc. 52-5560; Filed, May 19, 1952; 8:53 a. m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Angelica Uniform Co., Winfield, Mo., effective 5-9-52 to 5-8-53; 10 percent of the productive factory force (men's washable service apparel).

Brewster Shirt Manufacturing Corp., Ocala, Fla., effective 5-12-52 to 5-11-53; 10 learners (men's sport shirts).

Blakely Manufacturing Co., Inc., 310 South Blakely Street, Dunmore, Pa., effective 5-9-52 to 5-8-53; 10 percent of the productive factory force (ladies' slips and petticoats).

Blue Bell, Inc., Arab, Ala., effective 5-5-52 to 11-4-52; 30 learners for expansion purposes (dungarees) (supplemental certificate).

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill., effective 5-8-52 to 11-7-52; 75 learners for expansion purposes (girls' and ladies' jeans).

Brockbank Apparel Co., 50 West First South, Salt Lake City, Utah, effective 5-9-52 to 5-8-53; two learners (ladies' apparel).

Emmaus Sportswear Inc., 541 North Street, Emmaus, Pa., effective 5-12-52 to 5-11-53; 10 learners (dresses).

General Garment Manufacturing Co., Inc., Lawrenceville, Va., effective 5-5-52 to 5-4-53; 10 percent of the productive factory force (sport shirts).

George Manufacturing Corp., 161 North Main Street, Pittston, Pa., effective 5-8-52 to 5-7-53; 10 learners (ladies' blouses and dresses).

The Joanie Jan Co., Walnut Ridge, Ark., effective 5-8-52 to 5-7-53; 10 percent of the productive factory force (wash frocks).

The Joanie Jan Co., Walnut Ridge, Ark., effective 5-8-52 to 11-7-52; 20 learners for expansion purposes (wash frocks).

Kaylon, Inc., 5 North Haven Street, Baltimore 24, Md., effective 5-15-52 to 5-14-53; 10 percent of the productive factory force (pajamas and sleepcoats).

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 5-7-52 to 10-6-52; 20 learners for expansion purposes (men's sleepwear).

Luzerne Outerwear Manufacturing Co., 87-93 North Canal Street, Shickshinny, Pa., effective 5-12-52 to 11-11-52; 20 learners for expansion purposes (men's outerwear).

Miracle Dress & Sportswear, Inc., 412 Applegate Avenue, Pen Argyl, Pa., effective 5-9-52 to 5-8-53; six learners (ladies' cotton dresses).

Oberman & Co., Jefferson City, Mo., effective 5-15-52 to 5-14-53; 10 percent of the productive factory force (men's and boys' single pants).

Pamplin Dress Co., Pamplin, Va., effective 5-9-52 to 5-8-53; six learners (children's wash dresses).

Sylvia Manufacturing Co., 240 Penn Avenue, Scranton, Pa., effective 5-8-52 to 5-7-53; six learners (ladies' dresses).

I. Taitel & Son, Drew, Miss., effective 5-7-52 to 5-6-53; 10 percent of the productive factory force (jackets).

Tamco Corp., 6341 South Harper, Chicago, Ill., effective 5-9-52 to 11-8-52; 10 learners for expansion purposes (men's and boys' shirts and jackets).

Tamco Corp., 6341 South Harper, Chicago, Ill., effective 5-9-52 to 5-8-53; 10 learners (men's and boys' shirts and jackets).

Topkis Bros. Co., Smyrna, Del., effective 5-5-52 to 5-4-53; 10 learners (men's pajamas).

Woodbury Manufacturing Co., 655 Carey Avenue, Wilkes-Barre, Pa., effective 5-9-52 to 5-8-53; 10 percent of the productive factory force (shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Lorraine Cross Hosiery, Inc., East Seventh and Locust Streets, Bloomsburg, Pa., effective 5-8-52 to 5-7-53; two learners.

[1] See F. R. Doc. 52-5511, Title 43, Chapter I, App., PLO 824, *supra*.

Griffin Hosiery Mills, Griffin, Ga., effective 5-9-52 to 5-8-53; 5 percent of the productive factory force.

C. D. Jessup & Co., Claremont, N. C., effective 5-8-52 to 5-7-53; five learners.

Liberty Hosiery Mills, Inc., Liberty, N. C., effective 5-9-52 to 1-8-53; 15 learners for expansion purposes (supplemental certificate).

Independent telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Iowa-Illinois Telephone Co., Columbus Junction, Iowa, effective 5-11-52 to 5-10-53.

West Branch Telephone Co., West Branch, Iowa, effective 5-8-52 to 5-7-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Coopers, Inc. of Georgia, Millen, Ga., effective 5-5-52 to 11-4-52; 15 learners for expansion purposes (knitted jockey shorts and midways).

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 5-7-52 to 10-6-52; 20 learners for expansion purposes (men's and boys' shorts).

I. Matthews & Brothers, 274 Belleville Avenue, New Bedford, Mass., effective 5-8-52 to 5-7-53; five learners (ladies' and children's knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Uniform Co., Plant No. 2, 855 Euclid Avenue SE., Cleveland, Tenn., effective 5-9-52 to 11-8-52; 25 learners for expansion purposes; sewing machine operators; 240 hours at 65 cents per hour (flatwork items for linen supply industry).

Claudelle's Art Ware, Route 1, Bee Bridge Road, Sarasota, Fla., effective 5-5-52 to 11-4-52; five learners; molder, trimmer, lacquerer, antiquer, and painter; 240 hours at 65 cents per hour (figurines, wall plaques, brackets, and bookends).

Schwob Manufacturing Co., Chipley, Ga., effective 5-12-52 to 11-11-52; 10 learners for expansion purposes; sewing machine operators, handsewers, pressers; 480 hours each; 60 cents per hour for the first 240 hours and not less than 65 cents per hour for the remaining 240 hours (men's suit pants and odd pants, coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of May 1952.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 52-5513; Filed, May 19, 1952; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2539]

NORTHWEST AIRLINES, INC., TRANS-PACIFIC OPERATIONS; FINAL MAIL RATE

NOTICE OF HEARING

In the matter of the compensation from the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc., in its Trans-Pacific operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E-5838, in the above-entitled proceeding is assigned to be held on May 26, 1952, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., May 15, 1952.

[SEAL] THOMAS L. WRENN,
*Acting Chief Examiner.*

[F. R. Doc. 52-5567; Filed, May 19, 1952; 8:55 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10189]

AMERICAN BROADCASTING CORP. (WLAP)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of American Broadcasting Corporation (WLAP), Lexington, Kentucky, for renewal of license; Docket No. 10189, File No. BR-309.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of April 1952;

The Commission having under consideration the above-entitled application of American Broadcasting Corporation for renewal of license of Station WLAP, Lexington, Kentucky; and

It appearing, that the said licensee responded to the Commission's "Questionnaire Concerning the Broadcasting of Horse Racing Information" that it broadcasts horse race results in a daily 15-minute sports review program beginning at 5:30 p. m., Monday through Saturday, and a running account of the races from the track every Saturday from 1:00 p. m. to 5:00 p. m. during the months of April to September; and

It further appearing, that these broadcasts of horse racing information may be of aid to illegal gambling activities; and

It further appearing, that, in view of the foregoing, the Commission is unable to determine whether a grant of the said application would be in the public interest;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether, to what extent, and the manner in which the subject station has broadcast, is currently broadcasting and proposes to broadcast the following information relating to horse racing:

(a) Entries.
(b) Scratches.
(c) Probable jockeys.
(d) Jockey changes.
(e) Winning jockey.
(f) Weights.
(g) Selections.
(h) Off-time.
(i) Next post time.
(j) Track conditions.
(k) Weather conditions.
(l) Time of race.
(m) Mutuels or prices paid.
(n) Results of race.
(o) Results in code.
(p) Post positions.
(q) Running account of race.
(r) Pre-race betting odds.

2. To determine the manner in which the station obtains the above information.

3. To determine whether the broadcast of horse racing information by this station appears likely to be of substantial use to, or is used by persons engaged in illegal gambling activities.

4. To determine (a) the sponsorship, if any, of programs offering horse racing information, (b) the arrangements between the sponsors and the licensee for the handling of the broadcasts of horse racing information, and (c) whether and to what extent these arrangements have been or are being carried out.

5. To determine the arrangements, or commitments, if any, entered into by this station with persons engaged in illegal gambling activities for the broadcast of horse racing information, and the extent to which those arrangements or commitments are being met.

6. To ascertain whether the licensee in this proceeding has had discussions or dealings with any other broadcast station, with respect to the manner in which broadcasts of horse racing information should be handled, and to determine the outcome of such discussions or dealings.

7. To determine what instructions, if any, have been given by the licensee to its employees concerning the manner in which horse racing information is to be handled.

8. To determine what steps, if any, have been taken, and the manner in which such steps were taken by the licensee to ascertain the nature of the listening interests being served by the broadcast of horse racing information.

9. To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled renewal application would be in the public interest.

*It is further ordered*, That a temporary extension of license is granted for operation of Station WLAP until August 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-5548; Filed, May 19, 1952; 8:49 a. m.]

[Docket No. 10190]

WMRO, INC., (WMRO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WMRO, Inc., (WMRO), Aurora, Illinois, for renewal of license of Station WMRO; Docket No. 10190, File No. BR-995.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of April 1952;

The Commission having under consideration the above-entitled application for renewal of license of Broadcast Station WMRO, Aurora, Illinois; and

It appearing, that WMRO, Inc., licensee of the said station, has failed to submit the reports required under §§ 1.341 and 1.342 of the Commission's rules for the year ending December 31, 1951; and

It further appearing, that WMRO, Inc., has failed to submit other reports and information required by the Commission's rules and has failed to respond to extensive Commission correspondence with regard to these matters; and

It further appearing, that Martin O'Brien was the original licensee of Station WMRO and is principal stockholder of the present corporate licensee; and

It further appearing, that the licensees of the said station have since issuance of the original construction permit consistently failed to comply with the requirements of the Commission's rules and Standards of Good Engineering Practice with regard to the filing of reports, technical operation of Station WMRO, and other matters; and

It further appearing, that the Commission is unable to determine from consideration of the subject application and the aforesaid other matters relating to the qualifications of WMRO, Inc., to be a broadcast licensee, that a grant of the subject application would be in the public interest;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues:

1. To determine the dates of submission by the licensees of Station WMRO of Annual Ownership Reports (Forms 323), Interim Ownership Reports (Forms 323A), Annual Financial Reports (Forms 324), and any other reports, records, contracts or other matter required under the Commission's rules and Standards of Good Engineering Practice and the dates on which such reports were required to be filed under the said rules and standards.

2. To determine the dates of filing of applications for renewal of license of Station WMRO and the dates on which such applications were required to be filed under the Commission's rules.

3. To determine whether Station WMRO at any time has been operated in contravention of the Commission's rules or Standards of Good Engineering Practice, and if so, the periods of such operation and circumstances surrounding such operation.

4. To determine whether, as of April 23, 1952, the present licensee of Station WMRO, WMRO Inc., had failed to file any reports, records, contracts or other matter required under the Commission's rules and standards or had failed to respond to Commission correspondence, and if so, whether such reports, records, contracts or other matter was subsequently filed.

5. To determine whether Station WMRO is operating in compliance with the Commission's rules and Standards of Good Engineering Practice.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by granting the above-entitled application for renewal of license of Station WMRO.

*It is further ordered*, That a temporary extension of license for operation of Station WMRO, until conclusion of this proceeding or until December 1, 1952, whichever is the earlier, is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-5549; Filed, May 19, 1952; 8:49 a. m.]

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[Change List No. 8]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

APRIL 9, 1952.

Notifications of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Proposed date of change or commencement of operation |
|---|---|---|---|---|---|---|
| New | Santa Clara, Las Villas | 1410 kilocycles, 1-D/0.5-N. | ND | U | III | May 10, 1952. |

NOTE: This station is assigned provisionally to the frequency 1410 kilocycles, moving to the frequency 1480 kilocycles on entry into force of the NARBA.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-5550; Filed, May 19, 1952; 8:50 a. m.]

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[Change List No. 147]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 8, 1952.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

| Call letters | Location | Power (kw) | Schedule | Class | Probable date to begin operation |
|---|---|---|---|---|---|
| XET | Monterrey, Nuevo Leon | 990 kilocycles, 5N/50D (increase in daytime power). | U | II | June 30, 1952 |
| XERP | Guadalajara, Jalisco (delete assignment). | 1190 kilocycles, 50 DA-N | U | I-B | |
| XERP | Guadalajara, Jalisco (new) | 10 | U | I-B | Do. |
| XEGR | Ciudad Jimenez, Chihuahua (new) | 1320 kilocycles, 0.25N/0.5D | U | III-A/D IV/N | Do. |
| XEGU | Huauchinango, Puebla | 1580 kilocycles, 0.25 | D | II | Do. |

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 52-5551; Filed, May 19, 1952; 8:50 a. m.]

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[Change List No. 148]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 22, 1952.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

| Call letters | Location | Power (kw) | Schedule | Class | Probable date to commence operation |
|---|---|---|---|---|---|
| XEHB | Sta. Barbara, Chihuahua | 770 kilocycles, 0.5 | D | II | June 30, 1952 |
| XELA | Mexico, D. F. (increase in power) | 820 kilocycles, 5N/10D, DA-N | U | II | May 15, 1952 |
| XEGV | Apatzingan, Michoacan | 1240 kilocycles, 0.25 | U | IV | May 30, 1952 |

NOTE: This notification concerning XELA confirms that which was made in the document No. 5865 of Jan. 10, 1952 which transmitted horizontal and vertical radiation patterns and computations for the antenna of this station.

F. C. C. NOTE: The frequency, 820 kc, shown for XELA is apparently in error. Previous notifications concerning this station, and the directional antenna patterns referred to in the above note are for the frequency 830 kilocycles.

[SEAL]

T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-5552; Filed, May 19, 1952; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1003, G-1012, G-1289, G-1319, G-1896, G-1897]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER RESCINDING IN PART ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-1003, G-1012; South Jersey Gas Company, Docket No. G-1289; Algonquin Gas Transmission Company, Docket No. G-1319; Jersey Central Power & Light Company, Docket No. G-1896; New Jersey Natural Gas Company (formerly County Gas Company), Docket No. G-1897.

On February 25, 1952, Jersey Central Power & Light Company (Applicant, Docket No. G-1896), a New Jersey corporation having its principal place of business in Asbury Park, New Jersey, filed an application, and supplements thereto on March 27, 1952, April 8, April 21, April 24, and April 25, respectively, pursuant to section 7 (b) of the Natural Gas Act, for an order permitting and approving abandonment by sale of all of its gas properties, facilities, franchises, privileges and rights, to New Jersey Natural Gas Company (formerly County Gas Company), in connection with an order of the Securities and Exchange Commission dated December 28, 1951, directing General Public Utilities Corporation to dispose of gas properties owned and operated by Applicant, a corporate subsidiary.

On February 26, 1952, New Jersey Natural Gas Company (Applicant, Docket No. G-1897), formerly County Gas Company, a New Jersey corporation having its principal place of business in Atlantic Highlands, New Jersey, filed an application, and supplements thereto on April 4, April 10, April 15, April 16, April 21, and April 25, 1952, respectively, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing (1) the acquisition and operation of the natural-gas facilities of Jersey Central Power & Light Company (Jersey Central), and (2) the construction and operation of a metering station at East Brunswick Township, Middlesex County, New Jersey.

In its order issued May 9, 1952, with respect to the proceedings listed in the heading hereof, the Commission noted that disposition of the applications filed in Docket Nos. G-1896 and G-1897 might entail a need for modification of Commission orders issued in Docket Nos. G-1003 and G-1012 to Texas Eastern Transmission Corporation, Docket No. G-1289 to South Jersey Gas Company, and Docket No. G-1319 to Algonquin Gas Transmission Company, so as to substitute the name "New Jersey Natural Gas Company" in lieu of "Jersey Central Power and Light Company" in the authorization granted in those proceedings for the delivery and sale of natural gas to Jersey Central Power and Light Company.

The inclusion of Docket No. G-1319 in the manner indicated in the preceding paragraph was inadvertent and overlooked the review proceedings involving that docket in Case No. 10,446, Northeastern Gas Transmission and Tennessee Gas Transmission Company v. Federal Power Commission;[1] Case No. 10,507, Blackstone Valley Gas and Electric Company v. Federal Power Commission; Case No. 10,508, Fall River Gas Works Company v. Federal Power Commission, all in the United States Court of Appeals for the Third Circuit.

The Commission finds: It is necessary and appropriate for carrying out the provisions of the Natural Gas Act that the Commission rescind so much of its order issued May 9, 1952, as purported to assert jurisdiction to reopen in the manner indicated above the proceedings in Docket No. G-1319.

The Commission orders: So much of the Commission's order issued May 9, 1952, as purported to assert jurisdiction to reopen proceedings in the manner indicated above in Docket No. G-1319 be and it hereby is rescinded.

Date of issuance: May 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-5515; Filed, May 19, 1952; 8:46 a. m.]

[1] While the Petition for Review filed in Case No. 10446 sought review of paragraph (B) of the Commission's order issued February 27, 1951, issuing a certificate of public convenience and necessity in Docket No. G-1012 to Texas Eastern Transmission Corporation, such petition sought to have that order modified "so as to delete from said order any authorization to Texas Eastern to deliver and sell natural gas to Algonquin." It did not seek review of that part of said order authorizing the delivery and sale of natural gas by Texas Eastern Transmission Corporation to Jersey Central Power and Light Company.

[Docket Nos. G-1772, G-1847, G-1849, G-1852, G-1853, G-1869, G-1879]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

MAY 13, 1952.

In the matters of Texas Gas Transmission Corporation, Docket No. G-1847; Ohio River Pipeline Corporation, Docket No. G-1772; Louisville Gas and Electric Company, Docket No. G-1849; Texas Northern Gas Corporation, Docket No. G-1853; United Gas Pipe Line Company, Docket Nos. G-1869 and G-1879; Louisiana Natural Gas Corporation, Docket No. G-1852.

On May 1, 1952, in the course of hearings in these consolidated proceedings, counsel for Texas Gas Transmission Corporation (Texas Gas) and its subsidiaries, Texas Northern Gas Corporation and Louisiana Natural Gas Corporation, pursuant to the provisions of paragraph (c) of § 1.30 of the Commission's rules of practice and procedure, orally moved that the Commission omit the intermediate decision procedure and forthwith render the final decision in these matters. And said counsel also requested that all parties be directed to file briefs simultaneously within three weeks after the close of the hearings herein, and that the Commission promptly thereafter hear oral argument in lieu of the filing of reply briefs.

Said motion on behalf of Texas Gas was concurred in by counsel for United Gas Pipe Line Company, Louisville Gas and Electric Company, and other parties, excepting counsel for the Memphis Light, Gas, & Water Division, and counsel for the National Coal Association, United Mine Workers of America, Anthracite Institute, Fuels Research Council, Inc., Railway Labor Executives Association, and The Chesapeake and Ohio Railway Company. Counsel for these last-named interveners objected to the omission of the intermediate decision procedure.

Commission staff counsel took no position with respect to the motions. They neither concurred, nor did they oppose the granting thereof. Staff counsel, however, did object to the proposal to file simultaneous briefs and requested that the briefs be filed on the alternate date basis contemplated by paragraph (a) of § 1.29 of the rules of practice and procedure. Counsel for the above-mentioned coal, railroad, and labor interests also requested that the time for the filing of briefs be fixed on this basis.

The Presiding Examiner concluded that the filing of simultaneous briefs was justified in these proceedings and directed that the main briefs shall be

filed on or before May 20, 1952, and that reply briefs shall be filed on or before June 4, 1952.

The Commission finds:

(1) The matters involved in these instant proceedings, generally speaking, are substantially similar to those considered by the Commission in the earlier proceedings at Docket Nos. G-1578, et al., upon the applications of Texas Gas and others, which were the subject of Opinion No. 220; and the accompanying order issued November 6, 1951.

(2) The issues apparently present in these instant proceedings were largely focused by the Commission in its Opinion No. 220 in the above-mentioned earlier proceedings, and they do not now appear to include such highly controversial and contested matters as the previously proposed sale by Texas Gas of large volumes of natural gas to the Tennessee Valley Authority for use as fuel under boilers in an electric generating station, with which the intervening coal, railway and labor interests appeared to be most concerned. Therefore, since the Commission has so recently considered similar issues involving these same parties upon the basis of a record which has in large part been incorporated as a part of the record in the present proceedings and now augmented, it appears appropriate that the Commission should also render the final decision herein.

(3) Adherence to the intermediate decision procedure in these proceedings may so delay the commencement of the construction of the proposed facilities of Texas Gas, if they are hereafter authorized, so as to preclude the completion thereof prior to the arrival of the winter season of 1952-53. In such event construction would probably be made more difficult and might cause the incurrence of additional expenditures therefor.

(4) It is in the public interest that a prompt decision be had in these matters in order that the facilities proposed by Texas Gas, and the other applicants, if ultimately authorized, may be completed without avoidable delay in order that the service to be provided thereby may be available throughout the next winter season.

(5) A prompt decision in these matters will permit customers of Texas Gas to take such procedural action as may be required before other Federal and State agencies respecting orders requiring the curtailment of attachment of new customers, particularly those who would use natural gas for space-heating or industrial purposes.

(6) The number of formal matters now pending before the Commission is of such magnitude as to require that the Commission avoid unnecessary formal procedures whenever it can do so consistently with due process and without impairment of the rights of the parties to the particular proceeding. Otherwise, because of the limited staff of the Commission and the small number of examiners available to preside at formal hearings, extended and unnecessary formal procedures will lessen the number of matters that may be heard and processed and occasion a greater lag in the consideration of other matters of equal or greater importance.

(7) Due and timely execution of its functions imperatively and unavoidably requires that the intermediate decision procedure in these consolidated proceedings be omitted and that the Commission forthwith render the final decision herein.

The Commission orders:

(A) The intermediate decision procedure be and it is hereby omitted herein in accordance with the provisions of § 1.30 (18 CFR 1.30) of the Commission's rules of practice and procedure.

(B) Briefs shall be filed as directed by the Presiding Examiner.

(C) Oral argument be had before the Commission on June 16, 1952, at 10:00 a. m., e. d. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. All parties to these proceedings shall notify the Secretary of the Commission on or before June 9, 1952, with respect to the time they deem necessary for argument.

Date of issuance: May 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-5533; Filed, May 19, 1952; 8:48 a. m.]

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[Project No. 2097]

NAMEKAGON HYDRO CO.

ORDER FIXING HEARING

MAY 13, 1952.

On November 19, 1951, Namekagon Hydro Company (Applicant) of Frederic, Wisconsin, filed an application for a license under the Federal Power Act for a proposed hydroelectric development (Project No. 2097) located in or along the Namekagon River in Washburn County, Wisconsin.

Responses to the notice of application indicate a widespread public interest in the proposed project.

The Commission finds: In order to carry out the provisions of the Federal Power Act, particularly section 4 (e) thereof, it is appropriate and in the public interest that a hearing be held on the application filed November 19, 1951, for license for proposed Project No. 2097.

The Commission orders: A public hearing be held commencing on June 16, 1952, at 10:00 a. m., c. s. t., in Spooner Armory, Spooner, Wisconsin, respecting the matters involved and issues presented in this proceeding on the application for license for the proposed Project No. 2097 on the Namekagon River in Washburn County, Wisconsin.

Date of issuance: May 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-5534; Filed, May 19, 1952; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1369]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER IN CONNECTION WITH SALE OF CERTAIN SHARES OF CAPITAL STOCK OF THE DETROIT EDISON COMPANY

MAY 14, 1952.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the act in proceedings concerning the North American Company ("North American"), and its subsidiary companies, File No. 59-10, which requires, among other things that North American sever its relationship with the Detroit Edison Company ("Detroit"), in any appropriate manner not in contravention of the provisions of the act, and the rules and regulations promulgated thereunder, by causing the disposition of its direct or indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by Detroit; and

North American having heretofore disposed of all but 1,290 shares of its holdings of Detroit capital stock; and

North American having notified the Commission, pursuant to Rule U-44 (c) promulgated under the act, that in compliance with the aforementioned order dated April 14, 1942, it proposes, as soon as possible, to sell on the New York Stock Exchange, said 1,290 shares of Detroit capital stock, and no filing having been required by the Commission with respect to said sale; and

North American having requested that the Commission issue an order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code; and

It appearing appropriate to the Commission that an order, as requested, should issue:

*It is ordered and recited and the Commission finds,* That the proposed sale and transfer by the North American Company of 1,290 shares of Capital Stock of the Detroit Edison Company (represented by Certificate Nos. E40640—100 shares, E-99788—100 shares, E-117627—100 shares, F124340—6 shares, F148250—17 shares, H272955—97 shares, and L510—870 shares), as authorized or permitted by the Commission, are necessary or appropriate to the integration or simplification of the holding company system of which the North American Company is a member and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5516; Filed, May 19, 1952; 8:46 a. m.]

[File No. 70-2748]

NIAGARA MOHAWK POWER CORP.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

MAY 14, 1952.

The Commission having by order dated December 11, 1951, granted the application filed by Niagara Mohawk Power Corporation ("Niagara Mohawk") pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), regarding the issuance and sale by it, pursuant to the competitive bidding requirements of Rule U-50, of $15,000,000 principal amount of General Mortgage Bonds, due December 1, 1981, and 1,000,000 shares of its common capital stock without par value; and

Said order having contained a reservation of jurisdiction with respect to the payment of all fees and expenses to be incurred in connection with the transaction; and

Statements with respect to the fees and expenses having been filed, such statements setting forth the fees and expenses incurred by Niagara Mohawk in the aggregate estimated amount of $167,944 for the bonds and $101,821 for the common stock, including legal fees of LeBoeuf & Lamb of $10,000 for the bonds and $15,000 for the common stock, auditor's fees of Price Waterhouse & Co. of $9,016 for the bonds and $13,525 for the common stock, and financial advisor's fee of Harriman Ripley & Co., Incorporated of $2,000 for the bonds and $10,000 for the common stock; said statements also setting forth the legal fee to be paid by the underwriters in the amount of $6,000 for the bonds and $9,000 for the common stock to Simpson Thacher & Bartlett, independent counsel for the underwriters; and

The Commission, on the basis of its examination of the record finding that such fees and expenses are not unreasonable and that jurisdiction over the payment of such fees and expenses should be released:

*It is ordered*, That jurisdiction heretofore reserved over the payment of all fees and expenses incurred in connection with the issuance and sale of the said bonds and common stock be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5518; Filed, May 19, 1952; 8:47 a. m.]

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[File No. 70-2817]

ALABAMA GAS CORP.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

MAY 14, 1952.

Alabama Gas Corporation ("Alabama"), a subsidiary of Southern Natural Gas Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Alabama pursuant to the competitive bidding requirements of Rule U-50 of $4,000,000 principal amount of First Mortgage Bonds, __ Percent Series C due 1971; and

The Commission having, by order dated May 6, 1952, granted said application, as amended, subject to the conditions, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed transactions; and

Alabama having on May 14, 1952, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

| Bidding group headed by— | Annual interest rate (percent) | Price to Alabama (percent of principal) [1] | Annual cost to Alabama (percent) |
|---|---|---|---|
| Halsey, Stuart & Co., Inc.... | 3¼ | 100.65991 | 3.48215 |
| White, Weld & Co..... | 3¼ | 101.079 | 3.54646 |
| Salomon Bros. & Hutzler... | 3¼ | 100.557 | 3.58443 |

[1] Exclusive of accrued interest from Apr. 1, 1952.

The amendment further stating that Alabama has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 101.391 percent of principal amount thereof plus accrued interest from April 1, 1952, resulting in an underwriters' spread of 0.731 percent of principal amount; and

The record having been completed with respect to the estimated fees and expenses to be incurred by the company in connection with the proposed transactions which fees and expenses are estimated as follows:

| | |
|---|---|
| Filing fee for registration statement.. | $415 |
| Federal stamp tax..... | 4,400 |
| Motgage tax..... | 6,000 |
| Recording fees..... | 300 |
| Fees of counsel for the company, Cabaniss & Johnston..... | 5,000 |
| Fees of trustee, including counsel and authentication fees..... | 2,500 |
| Auditing fees..... | 3,500 |
| Printing of registration statement, etc..... | 30,000 |
| Printing and engraving bonds..... | 2,900 |
| Miscellaneous..... | 11,485 |
| | 66,500 |

It also appearing that the fee of Chadbourne, Hunt, Jaeckel & Brown, counsel for the underwriters, to be paid by the purchasers of the bonds is $5,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto and finding that the fees and expenses proposed to be paid are not unreasonable, provided they do not exceed the amounts estimated:

*It is hereby ordered*, That jurisdiction heretofore reserved in connection with the sale of said bonds and in connection with the payment of fees and expenses be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5519; Filed, May 19, 1952; 8:47 a. m.]

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[File No. 70-2840]

WORCESTER COUNTY ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES AND GRANTING APPLICATION

MAY 14, 1952.

Worcester County Electric Company ("Worcester County"), a subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the issue and sale by Worcester County at competitive bidding of $4,000,000 principal amount of its First Mortgage Bonds, Series C, dated May 1, 1952, and maturing May 1, 1982;

The Commission, by order dated May 5, 1952, having granted said application, including the request of the applicant that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be shortened to a period of not less than six days, all subject to the condition that the proposed issue and sale should not be consummated until the results of competitive bidding with respect thereto had been made a matter of record and a further order entered on the basis thereof, and subject to a reservation of jurisdiction with respect to legal, engineering, accounting and auditing fees and expenses;

Worcester County having filed an amendment setting forth the action taken in offering said bonds at competitive bidding and stating that on May 13, 1952, the following bids were received:

| Bidder | Annual interest rate (percent) | Price to company [1] (percent of principal) | Annual cost to company (percent) |
|---|---|---|---|
| Merrill Lynch, Pierce, Fenner & Beane..... | 3¼ | 101.5414 | 3.1699 |
| Halsey, Stuart & Co. Inc.... | 3¼ | 101.491 | 3.1725 |
| Coffin & Burr, Inc..... | 3¼ | 101.2391 | 3.1855 |
| Kidder, Peabody & Co., Blyth & Co., Inc., and White, Weld & Co..... | 3¼ | 100.2999 | 3.2343 |

[1] Exclusive of accrued interest from May 1, 1952.

Said amendment further stating that Worcester County has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane and that the bonds will be issued to the public at an initial price of 102.125 percent of their principal amount, plus accrued interest, resulting in an underwriting spread of 0.5836 percent of the principal amount of the bonds or an aggregate of $23,344;

Said amendment further setting forth the legal, engineering, accounting and auditing services rendered and disbursements made, for which requests for compensation or reimbursement in the following amounts have been received by Worcester County:

| | |
|---|---|
| Choate, Hall & Stewart, counsel for the underwriters, payable by the underwriters: | |
| Fee | $4,000.00 |
| Disbursements | 450.00 |
| Lybrand, Ross Bros. & Montgomery, independent public accountants, payable by Worcester County: | |
| Fee | 1,500.00 |
| Expenses | 6.05 |
| Jackson & Moreland, engineers, payable by Worcester County: | |
| Fee | 2,407.23 |
| Expenses | 283.13 |

The Commission having considered the record as supplemented and finding no reason for imposing terms and conditions with respect to the price to be received for said bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses over which jurisdiction was reserved are not unreasonable; and it appearing appropriate to the Commission to release the jurisdiction heretofore reserved herein and to grant applicant's request that the order herein become effective upon issuance:

*It is ordered*, That the jurisdiction reserved in our order of May 5, 1952, herein, be and hereby is released, and that said application, as amended, be and hereby is granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5521; Filed, May 19, 1952; 8:48 a. m.]

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[File No. 70-2851]

SOUTHERN CO. AND GULF POWER CO.

ORDER PERMITTING SALE OF CERTAIN SHARES OF COMMON STOCK BY SUBSIDIARY TO PARENT FOR CASH CONSIDERATION

MAY 14, 1952.

The Southern Company ("Southern"), a registered holding company, and its public utility subsidiary, Gulf Power Company ("Gulf Power"), having filed a joint application-declaration, with an amendment thereto, pursuant to sections 6, 7, 9 (a), 10 and 12 (f) of the act and Rule U-43, promulgated thereunder, with respect to the following proposed transactions:

Gulf Power proposes to issue and sell 90,900 shares of its authorized and unissued common stock, without par value, and Southern, which owns all of the common stock of Gulf Power, proposes to acquire such shares for a cash consideration of $2,000,000. The price per share represents the approximate book value of the outstanding shares of common stock of Gulf Power as at February 29, 1952.

Gulf Power proposes to use the proceeds from the sale of such shares to finance improvements, extensions and additions to its utility plant or to reimburse its treasury, in part, for expenditures incurred for such purposes.

Gulf Power's total construction expenditures for the years 1952, 1953 and 1954 are estimated at $26,437,000 of which approximately $14,450,000 will be expended during 1952. The company states that it proposes to finance the above program by the use of available cash in excess of its requirements for operations and for the payment of interest and dividends, which excess includes $2,000,000 received from the sale of 92,000 shares of its common stock to Southern in February 1952, and the proceeds from the presently proposed sale of 90,900 additional shares of its common stock. It is estimated, on the basis of the present level of earnings and current expectations as to the progress of such construction program, that approximately $17,000,000 of additional cash will have to be provided before the end of 1954 through the sale of additional securities, including $7,000,000 principal amount of First Mortgage Bonds which will be publicly sold in 1952.

The Florida Railroad and Public Utilities has authorized the proposed issuance and sale of the common stock. The expenses to be incurred in connection with the proposed transactions are estimated at $4,550, including counsel fees of $500.

It is requested that the Commission's order herein become effective upon issuance.

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5517; Filed, May 19, 1952; 8:47 a. m.]

[File No. 811-509]

UTAH FUND, INC.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

MAY 14, 1952.

Notice is hereby given that Utah Fund, Inc., (hereinafter referred to as the Applicant) has filed an application with this Commission pursuant to section 8 (f) of the Investment Company Act of 1940 (hereinafter referred to as the act) declaring the applicant has ceased to be an investment company within the meaning of the act and that its registration under the act be terminated.

The Applicant requests this relief based upon the following reasons and facts:

The Applicant was organized under the laws of the State of Utah on November 9, 1945. Applicant is registered with this Commission as an open-end nondiversified investment company.

According to the application all assets and funds of the corporation have been distributed to shareholders and the corporation has been dissolved and disincorporated under a decree of disincorporation entered in the Third Judicial District Court of the State of Utah on September 7, 1949.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that the Commission will issue an order, pursuant to section 8 (f) of the act, granting the application on or at any time after May 29, 1952, unless prior thereto a hearing upon the application is ordered by the Commission. Any interested person may submit to the Commission in writing not later than May 26, 1952, his views or any additional facts bearing upon the application or the desirability of a hearing thereon or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-5520; Filed, May 19, 1952; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27060]

PAPER ARTICLES FROM EAST PORT AND EAST PORT JUNCTION, FLA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MAY 15, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company, for itself and for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: East Port and East Port Junction, Fla.

To: East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5528; Filed, May 19, 1952; 8:48 a. m.]

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[4th Sec. Application 27061]

IRON OR STEEL BORINGS, FILINGS, OR TURNINGS FROM MUSKEGON, MICH., AND BUFFALO, N. Y., TO KINGSPORT, TENN.

APPLICATION FOR RELIEF

MAY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300 and Agent C. W. Boin's tariff I. C. C. No. A-790.

Commodities involved: Borings, filings, or turnings, iron or steel, carloads.

From: Muskegon, Mich., and Buffalo, N. Y.

To: Kingsport, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4300, Supp. 46; C. W. Boin, Agent, I. C. C. No. A-790, Supp. 104.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5529; Filed, May 19, 1952; 8:48 a. m.]

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[4th Sec. Application 27062]

PETROLEUM PRODUCTS FROM NEW ORLEANS, LA., AND VICINITY TO CAIRO AND METROPOLIS, ILL., EVANSVILLE, IND., AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

MAY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Petroleum and petroleum products, carloads.

From: New Orleans, La., and points grouped therewith.

To: Cairo and Metropolis, Ill., Evansville, Ind., and Louisville, Ky.

Grounds for relief: Rail and market competition, grouping, and to restore rate relationship with origins in the Shreveport, La., and Tulsa, Okla., groups.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5530; Filed, May 19, 1952; 8:48 a. m.]

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[4th Sec. Application 27063]

FLAVORING SYRUP FROM NEW ORLEANS AND PORT CHALMETTE, LA., TO MEMPHIS AND JACKSON, TENN., AND HELENA, ARK.

APPLICATION FOR RELIEF

MAY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378 and Agent C. A. Spaninger's tariff I. C. C. No. 1167, pursuant to fourth-section order No. 16101.

Commodities involved: Flavoring syrup, carloads.

From: New Orleans and Port Chalmette, La.

To: Memphis and Jackson, Tenn., and Helena, Ark.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-5531; Filed, May 19, 1952; 8:48 a. m.]